

# Planning Committee

Town Hall, Colchester  
27 September 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

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](http://www.colchester.gov.uk) or from Democratic Services.

## Have Your Say!

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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  
27 September 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 - 2**

To confirm as a correct record the minutes of the meeting held on 13 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. 121290 Colnebank House, 30 St Peter's Street, Colchester, CO1 1GR  
(Castle)

**3 - 29**

Erection of a 3.5 storey hotel including bar / restaurant and ancilliary car parking, landscaping and access.

## **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  
13 SEPTEMBER 2012**

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

*Substitute Members :-* Councillor Will Quince for Councillor Peter Chillingworth  
Councillor Barrie Cook for Councillor Nigel Offen

(No formal site visits were undertaken for this meeting.)

#### **43. Minutes**

The minutes of the meeting held on 30 August 2012 were confirmed as a correct record.

#### **44. Minor Amendments // Application 112183 Jarmin Road, Colchester**

The Head of Environmental and Protective Services submitted a report on proposed minor amendments to application 112183 comprising the addition of one affordable unit, the transfer of a small area of land to Colchester Borough Council to maintain as public open space, and physical changes to distinguish the new public area from the remaining private front gardens. The Committee had before it a report in which all information was set out.

Vincent Pearce, Development Services Manager, attended to assist the Committee in its deliberations. He explained that it was also proposed that the size of the parking spaces within the car park be increased to provide more generous sized spaces. This measure would result in a provision of 44 spaces.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He had originally called the application in because of the situation regarding the greensward. However he was now content that the situation had been rectified and he was of the opinion that the proposals now provided a more attractive and pleasing development which he was able to endorse.

In response to a query from a member of the Committee, the Development Services Manager explained that the footway alongside the Catchpool Road side of the site would be replaced with green open space but that there was a more than adequate pedestrian footway on the opposite side of Catchpool Road. It had been a balance between adding to the pedestrian network and enhancing the special approach to the park. He also drew the Committee's attention to the extensive network of pedestrian footways through and around the development. In response to an further enquiry about the carbon footprint of the development, the Development Services Manager explained that at this time the Council did not have a policy requiring applicants to provide that

information.

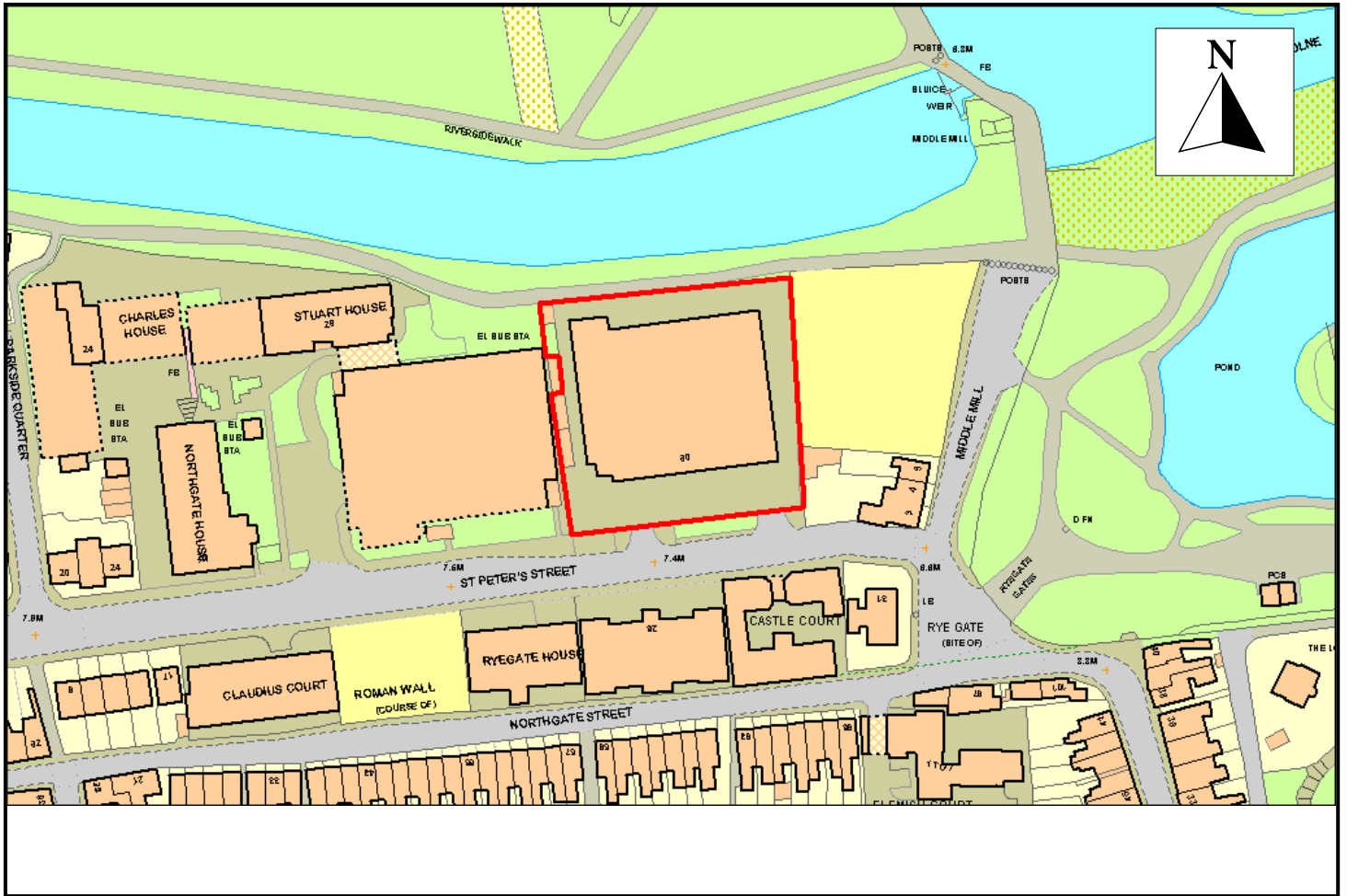
*RESOLVED* (UNANIMOUSLY) that –

(a) The changes to application 112183 as set out below be included as minor amendments to the drawings, Section 106 Legal Agreement and development approved in the formal decision notice when issued:-

- The addition of one affordable unit.
- The transfer of a small area of land to Colchester Borough Council to maintain as public open space, as opposed to it being given over to private front gardens.
- Physical changes to distinguish the new public area from the remaining private front gardens, which consists of a knee rail along the realigned property boundaries.
- The spaces within the car park be increased in size to provide 44 spaces.

(b) Upon receipt of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as previously agreed together with the conditions set out in paragraphs 3.5, 3.6 and 3.7 of the report by the Head of Environmental and Protective Services with the addition of an increase in the size of car parking spaces in the car park.





**Application No:** 121290

**Location:** Colnebank House, 30 St. Peters Street, Colchester, CO1 1GR

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

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **27 September 2012**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

**7.1 Case Officer: Mark Russell**

**Due Date: 16/10/2012**

**MAJOR**

**Site:** Colnebank House, 30 St. Peters Street, Colchester, CO1 1GR

**Application No:** 121290

**Date Received:** 17 July 2012

**Agent:** Mrs Natalie Jarman

**Applicant:** Whitbread Group Plc

**Development:** Erection of a 3.5 storey hotel including bar / restaurant and ancillary car parking, landscaping and access

**Ward:** Castle

**Summary of Recommendation:** Conditional Approval subject to signing of Section 106 Agreement

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

1.1 This application is referred to the Planning Committee because it is within the major category of development and objections have been received.

## **2.0 Synopsis**

2.1 The following report describes a proposal by Premier Inn to erect a 3.5 storey hotel with 85 rooms. A large number of objections are considered which relate to the principle of use, the potential traffic and parking issues which could ensue, and the proposed design which is described as overlarge and out of keeping.

2.2 These issues are looked at in detail, and it is concluded that the principle is acceptable in line with adopted Council policies on tourism. The design is held to be of a high enough standard for this location and does not impact on the Conservation Area or Castle Park to the degree which has been claimed. It is accepted that, despite claims to the contrary, there will be some increase in traffic movement. The parking provision is held to be sufficient for an hotel in this location.

2.3 In conclusion, in the interests of tourism and good design, notwithstanding the number of objections and the increase in traffic movements, the proposal is held to be acceptable and approval is recommended.

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

3.1 Colnebank House is a utilitarian two-storey commercial building from the 1960s. It is just outside of Colchester Conservation Area 1 and fronts onto St. Peter's Street between the former Post Office/BT building Stuart House and its car park on one side, and the listed buildings Middle Mill Cottages on the other. Opposite are more modern buildings such as Castle Court, Ryegate House. To the east and rear are the newly erected two-and-a-half storey dwellings on the former Borough Council works depot. Immediately to the rear is the pedestrian footpath alongside the River Colne. To the front is a Sycamore covered by a Tree Preservation Order. The north-eastern part of the site just clips Flood Zone 2.

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

4.1 The proposal is to demolish Colnebank House and replace it with an hotel of 85 rooms. The proposed building is described as 3.5 storeys, although in practice this could equate to a height of four or five storeys depending on interpretation.

4.2 The proposed design is of vernacular reference, with projecting gabled sections and contrasting render and boarding with some brick elements.

4.3 Also proposed are 44 parking spaces, cycle parking provision and landscaping, although the latter is currently in draft form only.

### **5.0 Land Use Allocation**

5.1 Employment land

### **6.0 Relevant Planning History**

6.1 82/0195 - Change of use from light industrial to office and associated storage areas.

6.2 091665 - Erection of a seven storey hotel with ancillary car parking, landscaping and access. Refused 14<sup>th</sup> April 2010.

### **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
  - SD2 - Delivering Facilities and Infrastructure
  - SD3 - Community Facilities
  - CE1 - Centres and Employment Classification and Hierarchy
  - CE3 - Employment Zones
  - UR2 - Built Design and Character
  - TA2 - Walking and Cycling
  - TA4 - Roads and Traffic
  - TA5 - Parking
  - ENV1 - Environment
  - ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
  - DP4 Community Facilities
  - DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
  - DP6 Colchester Town Centre Uses
  - DP10 Tourism, Leisure and Culture
  - DP14 Historic Environment Assets
  - DP19 Parking Standards
  - DP20 Flood Risk and Management of Surface Water Drainage
- 7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:
- n/a
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
- Community Facilities
  - Vehicle Parking Standards
  - Sustainable Construction
  - The Essex Design Guide
  - External Materials in New Developments
  - Cycling Delivery Strategy
- 7.6 In addition is the following Technical Document 'Colchester Town Centre Conservation Area Character Appraisal – Study Area 1, High Street (West) and The Dutch Quarter'
- This document does not have the status of a Supplementary Planning Document.*

## 8.0 Consultations

### 8.1 Planning Policy has commented as follows:

*'The proposed development lies just outside the boundary of the Town Centre and a Conservation Area as shown in the Adopted Local Plan and submission Proposals Map and as such is considered to be an edge of centre site. The NPPF continues the policy of providing that town centre uses for such sites need to be considered in a sequential approach which puts town centre sites first, followed by edge of centre sites, and the applicants have submitted evidence to address this point in their planning statement.*

*The relevant policies in this instance include Core Strategy Policies CE1, CE2 and CE3. As an edge of centre location, the site is accordingly categorised by Table CE1a as a Town Centre fringe site. Policy CE2a provides that 'Town Centre Fringe sites will accommodate the growth of the Town Centre beyond the historic core. The Council will encourage a mix of developments that revitalise and make efficient use of land within walking distance to the Town Centre.' A hotel use for the site is considered acceptable within this context.*

*The drawings for the proposal indicate that the scheme is of a significantly smaller scale than the seven storey scheme refused on design grounds in 2010 (application 091665). Accordingly, while agreement from the Council's Urban Designer will be needed on the design, the scale and massing of the proposal is not considered to raise any significant planning policy concerns as it did with the earlier scheme.*

*The Transportation Policy Manager advises that the scheme should address parking standards, with particular regard to cycle parking for both visitors and staff. The commitment to a Travel Plan is welcomed and the elements of a cycle hire scheme and a financial contribution for review and monitoring of the scheme suggested by ECC are supported.'*

### 8.2 The Highway Authority does not object to the proposal, subject to a number of requirements which are listed as conditions, as well as contributions towards a cycle hire scheme.

### 8.3 The stance taken by the Highway Authority has been challenged by some parties, but that Authority has responded as follows:

*'Thank you for bringing your concerns to my attention however I have based my review of and recommendation on the planning application on my extensive knowledge of the Colchester area and many years of experience within the field of highways and transport planning, which includes proposals such as this, rather than the submitted Transport Statement, which I gave only limited weight to.'*

### 8.4 Environmental Control did not object, but asked for conditions relating to light pollution, grease traps, control of fumes and hours of delivery.

### 8.5 Environmental Control (Contaminated Land)

No objections, and the following was noted 'We need to ensure that they *either* install a level of precautionary protection as standard (and as is recommended in their report), *or* they undertake ground gas monitoring to assess the actual risk.' Several conditions were suggested to ensure that this was done.

8.6 Environment Agency did not object, but requested conditions which would ensure flood mitigation and appropriate floor levels. Drawings showing these have been received.

8.7 Design & Heritage Unit

*'The hotel has an architectural character that shows strong sympathy to much of the twentieth century developments along St Peters Street and the river side. The current proposal represents a far more polite and acceptable design than the previous, refused hotel on this site.*

*Whilst largely satisfactory the design needs some addition detailing to provide appropriate and traditional elements that are typical within the neighbouring Dutch Quarter.*

*The white columns that support jettied sections appear structurally too weak. To remedy this some brackets, of suitable visual strength are required on the columns.*

*The central gable element to the riverside elevation reads a jettied part of the upper storeys but requires brackets and timber supports as detailed on the St Peters Street jetties. This jetty would also benefit from brickwork below, on the ground floor. This will visually provide strength to the central element and have greater coherence with the design as a whole. All windows in brick elevations should have stone sills to accentuate each element have give the pastiche a more traditional and locally characteristic style.*

*Pentice boards are used appropriately as a window header detail in weather-boarded elements but only on the first floor. The windows of the ground floor should also have this detail applied.*

*Finally I would suggest that the ridge tile, especially for the St Peters Street elevation should have decorative elements along the length. A large building of this scale and style would traditionally have greater expression of detailing and finesse. Whilst a tower or other taller feature on the roof may not have adequate scale compared to the length of the roof a more ornate ridge tile would add detail and rhythm to the sky line and compliment the finials on the subordinate gables.'*

OFFICER'S COMMENTS: The majority of the suggested changes have been implemented with amended drawings. The applicants have also agreed to the decorative ridge tile being conditioned.

8.8 Museums

Recommendation of a watching brief.

8.9 English Heritage

English Heritage did not object to the removal of Colnebank House, or the erection of the hotel. However, it did also state:-

*'Immediately within the conservation (area) there is a predominance of two storey domestic building forms with varied roof forms. We suggest that the proposal should be accurately modeled especially with regard to views from Castle Park, and views out of the Dutch Quarter.*

*Other aspects which may be pertinent to the conservation area and its setting include the potential increased traffic generation and signage.'*

8.10 Arboricultural Officer - Further information was requested. This, with our Officer's comments shall appear on the amendment sheet.

8.11 Landscape Officer - The Landscape Officer has stated that further details are required.

OFFICER'S COMMENTS: The submitted scheme is indicative at this stage, it is intended for a full scheme to be submitted for discharge of condition.

8.12 Our Enterprise & Tourism Development Officer has stated:

*'The opportunity for a limited service or budget hotel on the edge of the town centre was identified in the 2007 Humberts Report into the Demand and Supply of Hotel Accommodation in Colchester. This site, being close to Castle Park, the Town Centre, Colchester Leisure World and Colchester's main railway station, offers visitors to Colchester more choice of accommodation whether they are business visitors or here for leisure purposes. Its riverside location would be an added attraction for many visitors.*

*It should be acknowledged that the B&B sector is contracting nationally due to the increasing legislative burden on what was once a lifestyle business. This year has seen the loss of several town centre B&Bs in Colchester but there is still demand for reasonably priced centrally located accommodation. It is also known that Premier Inn have a high 'turn-away' rate at both The Albert and Balcerne Gate properties so it is likely that a property in St Peter's Street could accommodate these visitors too.'*

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

8.13 Development Team requested the following:

- Travel Plan and fee
- Litter bin with a cigarette stub at the top to be provided (and maintenance).
- Cycle loan scheme
- 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 + monitoring contribution

## **9.0 Parish Council Response**

9.1 n/a

## **10.0 Representations**

10.1 Whilst it was generally noted that the design was an improvement on the previous application, 76 objections (as of 6<sup>th</sup> September) and no letters of support were received. One was mixed, opposing the design and size, but not the principle of the hotel.

The objections broke down into four main headings:

1. Principle
2. Design
3. Traffic
4. Residential amenity

10.2 These headings further broke down as follows:

### **1. Principle**

- i) This is a peaceful haven for visitors and residents alike
- ii) Area is 75% residential, only one office block remains in use, hopefully this will change
- iii) Hotel not needed, others are not full. The development is not in accordance with 2008 Core Strategy or its Evidence Base, Hotel assessment is out of date.
- iv) It should be built at the Cowdray Centre/ at a location slightly further out of town, but still within walking distance of public transport hubs/ a more central location would be acceptable/ surely there are plenty of sites on the old Barracks areas/ the proper place for a Premier Inn is within one of the many commercial and industrial parks near the A12/ the Middleborough site would be more appropriate
- v) There is already a Premier Inn less than half a mile away.
- vi) It would make much more sense to be flats

### **2. Design**

- i) Too high (recent development has been restricted to 2-storeys)
- ii) Five storey really, rather than 3 and a half
- iii) Dominant over other buildings
- iv) Setting of Middle Mill Cottages harmed
- v) Eyesore from all over Dutch Quarter/King's Meadow
- vi) Add to the blight inflicted by British Telecom
- vii) Existing two storey building, Colne Bank House, is of low construction and shielded by trees both in St Peter's St and on its river frontage
- viii) Royal Mail building is predominantly brick, whilst the proposed building is "coloured rendering" and "off white weatherboarding"
- ix) Comparison with the existing building of Stuart House should not be made, since this was a construction exempt from planning procedure.
- x) Residential development at Parkside Quarter, are predominantly of quality brick and tile construction. If this was deemed acceptable by Planning office then the same must apply to this proposal.
- xi) 'This proposed hotel development negates all the combined commitment and hard work of the past that have help make the Dutch Quarter so special.'
- xii) Visible from Castle Park
- xiii) The recent private residential developments in Short Cut Rd and Parkside Quarter as well as the recent housing plans for 21 St Peters St and Middle Mill (the building of which are both nearing completion) do fulfil the stringent architectural standards required for this area.
- xiv) The commercial office developments in St Peter's St. from the 1980's onwards have been restricted to two or three storeys and designed to blend in with the Conservation Area (St Peter's Court, Castle Court and Oak House) – the proposal negates all of this.
- xv) Design should come about from examining the context – this has not.
- xvi) Proportionally too massive in the context of the adjacent buildings.



- xvii) Design details, such as windows and doors do not relate in proportion or detail to buildings within the historic context.

### **3. Traffic/Parking**

- i) Insufficient parking, St. Peter's Street is already full of parked cars
- ii) Pollution
- iii) Proposed traffic changes to High Street will make things worse (all traffic having to enter/leave Dutch Quarter via St. Peter's Street)
- iv) St. Peter's Street is inaccessible in snowy/icy weather
- v) Large delivery vehicles would cause danger
- vi) Road cannot cope with the extra traffic
- vii) Existing congestion on St. Peter's Street
- viii) The existing problems with illegal parking will be greatly exacerbated by hotel guests and their visitors who will discover that the small hotel car park is full and then seek to park in nearby streets.
- ix) Lost HGVs regularly get stuck in the Dutch Quarter
- x) Applicant has deliberately understated expected traffic flows
- xi) Nuisance as guests drive around looking for somewhere to park
- xii) Route into St. Peter's St. is already confusing, illegal right turns would happen
- xiii) Since Royal Mail vacated the site in 2007, speed restrictions, and traffic calming measures have been introduced, in recognition of the traffic situation post RM departure. This proposed development will make situation worse.
- xiv) people emerging in cars from the car parks at the flats at Stuart House and Claudius Court due to the residents' parking which obscures the view.
- xv) Shoppers queuing to access the Nunns Rd NCP car park already cause congestion
- xvi) Four bay 30 minute stay bay in St Peters St will be monopolised by hotel users.
- xvii) Residents' permit bays (not regularly enforced by wardens with no enforcement at all overnight) will be used by hotel guests.
- xviii) Nearest NCP is full/closes at night and Sundays. Middleborough car park is 5 minutes walk away, so guests will use cars to pick up and drop off
- xix) Disingenuously they have also given estimated figures for past flows with projections based on parcel depots of Royal Mail, Parcelforce and Securicor.
- xx) The Post Office created many traffic movements, but at rush hour when it made little difference to an already over-congested street
- xxi) Has enough space actually been provided to accommodate 40 vehicles?
- xxii) Trip journeys are actually x 2 (drop off and return to car park)
- xxiii) the increase in traffic (in an already overcrowded area), next to a children's play park is likely to cause an increase in accidents.
- xxiv) It is not clear where these vehicles will be parked or turn as the RGP plan 2012/1555/001 only just works for a 12m-long lorry. It is clear that the proposed layout will not work for a 16.5m-long vehicle or even the 'smaller' lorry of 14.5m.
- xxv) There is a CBC sign in St. Peter's Street limiting the length of vehicles to 32ft 6inches (or 9.9m). The vehicles proposed by the applicant are therefore far too long. If shorter (smaller capacity) vehicles were proposed, what would be the increased visiting period – 2 full days continuously?

#### 4. Residential amenity

- i) Anti-social behaviour from visitors (after drinking etc.)
- ii) General noise/hubbub from guests
- iii) Taxis running engines/slamming doors etc.
- iv) Hum of air-conditioning plant
- v) Road is currently quiet
- vi) Office is 9 – 5, this would be 24/7
- vii) Loss of views of park from Stuart House etc.
- viii) Overshadow Middle Mill Cottage (right to light)
- ix) Other events (conferences etc). would make matters worse.
- x) Access road is right next to houses, with resultant noise (check)
- xi) No boundary proposals to protect residents
- xii) Rubbish
- xiii) Graffiti
- xiv) Deliveries at anti-social hours (6:30)
- xv) Overlooking from the hotel (especially of Middle Mill Cottage)

#### 10.3 Other objections covered the following points:

- The applicant has not attempted any consultation with our Association or residents with regard to this application.
- It is most important that Essex County Council Highways or Colchester Borough Council conduct their own detailed traffic survey based on reality rather than theory.
- The applicant's consultants state in their Transport Report that St Peter's Street is principally commercial. This is blatantly untrue.
- I would be grateful if the Council could confirm the storey heights and maximum height of the final building and, if it were to go ahead, a Condition imposed for the building not to exceed the storey height shown on the planning drawings. It strikes me that it would be very easy to gain 500mm in storey heights once floor constructions, sound proofing and ceiling voids for services etc are worked up into working drawing stage.
- Further to my earlier objection, upon further inspection of applicants documents, especially "Sustainable energy report" this appears to contain some errors.  
1. This document refers in various sections to "Approved Document L2B" example section 5.4 , 5.7 etc.  
"Approved Document L2B: Conservation of fuel and power - Existing buildings other than dwellings", applies only to existing buildings not new buildings.  
"Approved Document L2A: Conservation of fuel and power. New buildings other than dwellings", applies to new build - Is this a new building?  
New buildings have differing performance values.  
Why is this report designing to an incorrect standard (section 5.4) ?

2. Further, section 5.4 refers to ventilation and "odour control", however there is no reference in this report to atmospheric noise control - if hotel function extends into evening / night, then prevailing environmental sound levels should not be exceeded. Visit the riverbank / site boundary at night , and see how quiet this area can be.

- Severely reduce the value of our leaseholders' major investment.
- Nothing to suggest whether the bar and restaurant will be available for guests only or open to all.
- Public sewerage & water work overload this will reduce the pressure for home use and blockage on drains clearance.
- At edge of, and likely to exacerbate, air quality management area
- Effect on river wildlife
- No DAS.\*
- No Flood Risk Assessment.\*
- Photographs of setting should have been taken
- No information which outlines how the local landscape character is to be managed and will not be not detrimentally affected.
- Illuminated signage (including any high-level signboards) should not be permitted
- Secure by Design - I would question if the scheme has been considered in consultation with a Police Architectural Liaison Officer

*\*OFFICER'S RESPONSE: In terms of the Design & Access Statement and the Flood Risk Assessment, these do not appear to have been placed on the website at the start, but have in fact now been publicly visible for a number of weeks.*

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

## **11.0 Parking Provision**

- 11.1 Forty standard spaces are being proposed, along with 4 spaces for people with disabilities. Our Parking Standards document states maximum rather than minimum parking provision for hotels (one space per room), although it also notes: *'A lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.'* The document further reminds us: *'The modern day hotel is seldom used solely as a hotel and often offers multifunctional amenities such as conference facilities, restaurants and gyms. These multifunctional uses must be considered per individual class use and adequate parking allocated to encompass all uses when considering the potential for cross-visitation.'* In this instance there is no gym, but the use of the building for conferences cannot be precluded.
- 11.2 Disabled parking, at four spaces, is in excess of the required three bays for a hotel with fewer than 200 rooms.
- 11.3 Cycle parking is required at one space per five members of staff, plus one space per ten bedrooms. With 25 full time and 7 part time this equates to between 14 and 15 spaces, and 14 are being provided.

## **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 (AQMA), but could have a knock-on effect on the town centre AQMA. Consequently an Air Quality Assessment has been submitted and our Environmental Control team has no objection to this aspect.

## **14.0 Report**

### Principle:

- 14.1 The issue of whether an hotel should or should not be allowed in this location has figured highly in many of the objections.
- 14.2 Our Local Development Framework documents have allocated this site as 'Employment Land'. This falls under Core Strategy policy CE3 which states that 'Employment Zones will accommodate business developments that are not suited to Mixed Use Centres, including industry and warehousing.' Traditionally this would imply the 'B' class of use (B1 office/light industrial – which is the extant use of the site, B2 Heavy industry – which we would probably not grant permission for in this location - and B8 Storage/Distribution – which the site could be used for up to an area of 235m<sup>2</sup> without permission).

- 14.3 Policy CE3, and the associated table CE1b ('Appropriate Land Uses') however, point to other 'secondary' uses which could also be considered acceptable (provided all other matters are satisfied) in terms of employment provision. Amongst these are listed assembly and leisure, as well as hotel uses. Therefore, in broad terms, the principle of an hotel use does comply with our policies.
- 14.4 Elsewhere policy DP10 'Tourism, Leisure and Culture' states that 'Development for new and extended visitor attractions, leisure and cultural facilities, along with visitor accommodation (including hotels, bed & breakfast accommodation, self-catering accommodation, holiday lodges, static and touring caravans and tenting fields) will be supported in suitable locations.'
- 14.5 In 2007, Colchester Borough Council appointed Humberts to carry out a *Hotel Market Demand Appraisal and Sequential Site Assessment* across the Borough. This was updated in June 2009. The assessment did not mention the site in question, and concluded: 'St James House is most advanced to meet the immediate need for a 50-100 bed budget / limited service hotel.' The assessment, however, only looked at sites which were immediately available either being on the market or being owned by Colchester Borough Council. Colnebank House did not fall into either of these categories.
- 14.6 The general thrust of the assessment, however, is that there is a shortfall of hotel space in Colchester. And that there are very few of the recognised hotel brands present. The assessment notes 'Together, these (Ramada, Premier Inn, Holiday Inn) offer only around 32% of total hotel supply in the area, which we consider to be a relatively low proportion given the size and dynamics of Colchester.'
- 14.7 In its 2009 update, Humbert's also adds:
- 'Overall, and on the basis on our previous analysis, we do believe that Colchester could support another say 50 to 100 budget rooms in the short term, i.e. 2009 to 2011. This is in addition to the proposed Express by Holiday Inn at Birchwood (105 bedrooms).
- Furthermore, budget hotels can often stimulate demand or accommodate people who before may have not considered staying in a hotel. Budget hotels are also increasingly seen as an affordable alternative to staying with friends.'
- 14.8 It also stated:
- 'Potential sites for consideration in market terms include town centre, edge of town centre and out of centre locations.
- Based on the success and high levels of demand for bedrooms at the Premier Inn Central, there seems to be an increasing preference and need for budget hotels that are within easy walking distance to the town centre, yet easily accessible by road. Key reasons for this, however, are due to the limited number of budget hotel bedrooms in the town centre at present. Overall, however, potential sites for consideration should ideally be located close to a main arterial route (with car parking on-site or nearby) and yet within relative close proximity.'

- 14.9 Objectors have identified other locations where the hotel should be, rather than this. But, as illustrated in the representations section at paragraph 10, these locations vary from out of town to edge of town to town centre, and none of these are intrinsically preferable to the proposal to such a degree as to make the proposal unacceptable.
- 14.10 In conclusion to this section, our Policy team and Policy documents support the principle of a hotel in this location. Whilst the Humbert's assessment does not explicitly mention the site, this does not preclude it for consideration. The principle is, therefore, supported by your Officers.

#### Design and Layout:

- 14.11 Much has been said about the proposed design. Members will be aware of the application at the time of 2009 which proposed a very modern approach. This was dismissed out of hand by your Officers under delegated powers for being entirely unacceptable. Negotiations have taken place between your Officers and the applicants from which the current proposal has emerged.
- 14.12 The choice of design, with a rhythm of forms and jettied sections with steeply sided gable roofs has many references in the area (Newgate Terrace which is diagonally opposite and being completed, and other new development along St Peter's Street on the former BT site for example) and is a not atypical design for the area amongst newer pastiche buildings seeking to mimic vernacular forms.
- 14.13 Comment has been made that brick would be preferable. In some circumstances this could work in this location, and the desire for this material is understandable given that the residential quarter, especially in the comparatively newer (i.e. Victorian and 20<sup>th</sup> century) houses are predominantly brick built. However, the proposal is for a building of a larger mass and scale, and to have this as unrelieved brickwork would result in a lumpen form and be visually overwhelming. Instead, contrasting materials (render and boarding) with some brick have been chosen to break the mass of the building up and give some rhythm to the proposal.

#### Scale, Height and Massing:

- 14.14 The proposal is for a building of 13.8 metres in height (8.5 to 9 metres at ridge) (8.5 to 9 metres at ridge) and almost forty metres in length. The span of the main element is about 24 metres onto St. Peter's Street, with approximately 37 metres addressing the river frontage. The St. Peter's Street aspect is broken down into five aspects which form a symmetry. To the left and right are projecting jettied sections of about 6.5 metres in width, with a central jettied section of almost four metres. In between are recessed sections of about 3.8 metres. These differences of physical form, when combined with the contrasting materials described above, help to break up the physical mass of the building. This approach is echoed on the river aspect, with a larger central jettied section to match those other side of it.
- 14.15 The building would appear more massive from eastern and western aspects (although, again, these aspects are broken down), but these are not publicly visible full on and would not readily read as unrelieved elements.

### Impact on the Surrounding Area:

- 14.16 Both the physical form and the proposed activities would have an effect on the immediate area which requires some consideration.
- 14.17 The site is adjacent to and opposite Colchester Conservation Area 1 to the east and south, across the river Colne from Kings Meadow and next to the Listed Buildings Middle Mill Cottages. The Historic Castle Park is also in the vicinity. The proposal needs to be measured against all of these.
- 14.18 It must also be acknowledged that not all of the vicinity is of a high quality. The technical document 'Colchester Town Centre Conservation Area Character Appraisal – Study Area 1, High Street (West) and The Dutch Quarter' describes St. Peter's Street as being 'flanked by modern development.' The appraisal goes further at paragraph 4.75 to state: 'There is little of interest in the street. The modern residential developments are undistinguished, and the eastern end of the street is dominated by the 1960s office blocks.' It is, therefore, important to strike a balance between the high aspirations for this near Conservation Area location and the realities on the ground.
- 14.19 The proposed building, at 13.8 metres is higher than the general height of the existing height of Colnebank House which is ten metres, rising up to about 11.5 metres at its western end. The new development of houses at Middle Mill is approximately the same height as the existing Colnebank House, whilst the neighbouring Middle Mill Cottages are approximately 6.5 to seven metres. The proposal would, therefore give a presence of building between three and four metres higher than the general height of buildings to the east.
- 14.20 To the west is the car park next to Stuart House. This is low-set at 5.5 metres, rising to 7.5 metres at its highest point. Next to this, the main building of Stuart House dwarfs all around it at up to 27 metres in height, along with a smaller section which stands at 14.5 metres. These, along with the other former BT buildings detract enormously from St. Peter's Street and this end of the Dutch Quarter and also dominate views from Kings Meadow, North Hill and Middleborough.
- 14.21 It is also worth noting that the building, whilst largely on the same footprint as Colnebank House, would be approximately three metres in advance of the existing, although this largely complies with the existing building line.
- 14.22 The proposed roof would be visible from the Castle Park, and from some aspects, would be read against Middle Mill Cottages and reduce views of the sky. It would also reduce and remove views of the former BT buildings, which can be seen as a positive.
- 14.23 From King's Meadow the increased height would also be read from some aspects. With the trees in full leaf this would only be from the river's edge, but in winter the form would be discerned across the meadow, albeit mainly in silhouette through a stand of semi mature trees. From Middle Mill pond the view would be altered, although this has already happened to a certain extent due to the new housing which has partially obscured the traditional views of the streets of the Dutch Quarter which step across the rising land to the town centre.

- 14.24 In terms of longer views, from some parts of Northgate Street, Maidenburgh Street and the Stockwells, the form would be visible. The proposed flat roof element and the hidden plant and lift shaft could possibly be glimpsed but would only be minor incidences.
- 14.25 In terms of projected activity, the site is currently unoccupied. Previously it has been a factory (Rodex) and then a royal mail building with 31 parking spaces and many staff. The proposal will result in activity levels which will be different to, and potentially greater than, previously, although nothing compared with the sum of activities when BT (or the Post Office) was at its peak. It is accepted that this will have a knock-on effect on the current tranquillity, although the same would be true of any development on this site. The issue of activity also needs to be mentioned, and this has a knock on effect on residential amenity which will be looked at below.

#### Impacts on Neighbouring Properties:

- 14.26 As detailed at paragraph 10.0, this breaks down into four main areas: General activity, loss of light, overlooking, loss of views.
- 14.27 It is inevitable that if permission is granted St. Peter's Street would be busier than now (and possibly busier than when Colne Bank House was previously in use), however our Environmental Control section has not objected. In relation to hours of delivery, despite the applicants' desire for early deliveries, the following restrictions have been imposed by our Environmental Control team: Weekdays: 8am - 6pm, Saturdays: 9am – 1pm, Sundays and Public Holidays: No deliveries. These are within tolerated, sociable hours, and should ensure no ill effects on the neighbouring residents.
- 14.28 The other side of the coin is the potential noise nuisance from the guests themselves, particularly if they have been to the town centre and arrive late back to their rooms. This point has been raised by a number of people. It is also worth noting that the restaurant will be open for general public use.
- 14.29 It is not possible to give any guarantees on the nature and behaviour of clientele, any more than it is on the nature and behaviour of any residents who may live nearby or who would live in a residential development on this site. It is sufficient to say that Environmental Control has not objected to the use and that any possible anti-social behaviour is covered by other legislation. It is also worth remembering that any application to sell alcohol after 23:00 will be subject to an application to the Licensing Authority, where issues such as public harm must be considered.
- 14.30 In relation to possible outside disturbance from the restaurant to the river Colne aspect, which could affect the amenity of the recently-built houses, as well as the existing flats, it is proposed that outdoor use, and opening of external doors, be restricted to sociable hours.



- 14.31 In terms of alleged loss of light. It is acknowledged that both the new and the older dwellings at Middle Mill will lose some light. However, under the BRE sunlight and daylight guidance, (which informs the Essex Design Guide, and in turn our Supplementary Planning Document 'Extending Your House?') provided that 'no more than two-fifths and preferably no more than one quarter of any garden or other amenity area should be prevented from receiving any sunlight at all on 21st March' this being the vernal equinox. No measurements have taken place to test this, but September 22<sup>nd</sup> is the autumnal equinox, which is a like date for assessment. On 14<sup>th</sup> September your Officer surveyed the rear gardens to the new dwellings and noted that they were completely bathed in light. As the southern aspect will remain unchanged, the standard will be complied with. The same will be true for the gardens of Middle Mill Cottages.
- 14.32 Regarding light to windows, 'Extending Your House?' states that a 45 degree line in plan and section should not be violated by a new building or extension. This acts as a guide to the level of amenity we would expect from a development of this kind. The proposal shows the rear (riverside) wall of the building to be slightly further back than the existing (about one metre) and that the most affected window (the right hand side ground floor rear window to the nearest new dwelling) will remain well within this tolerance as it is placed in advance of the proposed rear line of the hotel building.
- 14.33 It is also worth remembering that the proposed building would be further away from Middle Mill than the current building, and thus in some respects the situation would be improved.
- 14.34 A reference has been made to right to light, this is a separate legal issue which any party claiming to be affected may pursue.
- 14.35 In conclusion to the issue of overshadowing, the application does not infringe our adopted guidance and is therefore acceptable.
- 14.36 In terms of alleged loss of privacy, the western elevation shows windows that face towards Stuart House. These are generally obscured by the intervening car park. However, the upper floor windows (in the roof of the hotel) are not. It must be noted, however, that the buildings are approximately thirty metres apart from each other. The windows are also dormers, one metre across and with a limited field of view and are not deemed to offer any level of discomfort. The eastern elevation raises the possibility of lost privacy to the houses at Middle Mill. The nearer limbs of the building (20 metres from the nearest house, 40 metres from the others) show windows on each floor, but these merely serve corridors and can be obscured. The section of the hotel which is further away from the dwellings (over 50 metres from most of them, and 40 metres obliquely, with major obstructions from the nearer dwelling) shows windows which will result in some very distant overlooking. In conclusion, overlooking is not felt to be an issue.
- 14.37 The final amenity issue raised has been that of lost views from Stuart House. It is accepted that the views across the site of Kings Meadow and Castle Park are cherished for the residents of these flats, and their desire to preserve these is only natural. However, Members will be aware that private views across third party land do not form the basis for a refusal of Planning permission.

14.38 In conclusion to this section, there are no overriding issues of amenity which should lead to this application being refused.

#### Highway Issues:

14.39 The Highway Authority has not objected to the application. Some residents have questioned this stance and the Highway Authority has been robust in its response.

14.40 The applicants commissioned a Transport Consultant (RGP) which stated that any car parking not accommodated on site would be accommodated in nearby car parks, typically this would be Middleborough rather than the other two nearby (Sheepen Road, Nunn's Road – particularly as the latter is closed at night) it also points out that Premier Inn generally employs local people and that the area is well served by other means of transport than cars. Using the TRICS database to calculate the probable number of car journeys given the existing permission for the site, it has calculated that 259 journeys could take place. It has also calculated that under the new use, 115 journeys could take place.

14.41 Much of this is speculation. Given that there are 85 rooms and only 44 parking spaces, it is possible that the worst case scenario pattern could be 44 x 2 (for those with a parking space) and 41 x 4 (for those who have to drop off and park elsewhere), thus giving a figure of 252 which is not dissimilar to the existing possible level of use (not allowing for any commercial vehicles).

14.42 It is also worth stating that only 31 spaces pertain to the existing, and thus it could be argued that as few as 62 journeys would take place (again, not allowing for any commercial vehicles).

14.43 The issue of parking is worthy of consideration. On paper the proposal complies with our standards as they are maximum. However, the reality of the matter is that up to 85 rooms worth of parking will have to be accounted for. It is possible that some of the guests will be travelling by rail, but just as likely most will not be. This will require a displacement of potentially 30 cars.

14.44 The Middleborough car park is between five and ten minutes walk away, and is available at all times (whereas the nearer Nunns Road car park is not). There is a risk of parking on St. Peter's Street which would add to the existing pressure, but it is worth bearing in mind that a residents' parking scheme, a limited parking scheme, and double yellow lines predominate. Thus there is a possibility of illegal parking which cannot be ruled out.

14.45 The applicants have also produced a travel plan and claim they will seek staff from the vicinity. This will assist with pressure on parking.

14.46 The application offers three spaces for late night/drop off so any night-time arrivals should be accommodated thus.

14.47 Given the location, and the level of parking being offered, the application is held to be acceptable on that score, whilst recognising that some nuisance parking cannot be ruled out.

14.48 The Highway Authority has stated that it only attaches limited weight to the survey, and has based its response on knowledge of the area. It has concluded that the development proposal is still acceptable.

14.49 In conclusion to this section, the proposal has the potential to increase traffic movements over and above that which could happen with the extant use. This, however, along with the proposed level of parking, are held to be satisfactory and the application should not be refused on these grounds.

#### Other Matters:

14.50 Several other issues have been raised, especially in relation to alleged errors in the submitted documents. It is hoped that the above paragraphs have responded to these.

14.51 The issue of nature conservation was raised. It is worth noting that an ecological report (including a bat survey) was submitted with the application which concluded the site was of low ecological value, but the new build should consider a bat sensitive design, incorporating bat boxes and using bat sensitive lighting, particularly on the rear boundary where a foraging route has established.

14.52 The request that illuminated signage (including any high-level signboards) should not be permitted is noted, but advertisements cannot be controlled under a Town & Country Planning application, belonging instead to Advertisement legislation. Any signage which exceeds deemed consent will require an application and will be judged on its merits. It is worth noting, however, that the proposed signage does appear subtle.

14.53 As a final point, the development would provide 25 full-time and 7 part-time jobs, and the applicants will be encouraged to use best endeavours to provide employment to local people, a strategy which it states that it already pursues.

### **15.0 Conclusion**

15.1 In conclusion, the principle of development is held to be acceptable, the design and scale of the proposal are held to be of sufficient quality and the parking provision and Highways issues as well as residential amenity are felt to be satisfied. Members are, therefore, requested to approve this application.

### **16.0 Recommendation**

1. APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- Travel Plan and fee
- Litter bin with a cigarette stub at the top to be provided (and maintenance)
- Cycle loan scheme

- 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 + monitoring contribution

(2) On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission 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 - Non-Standard Condition/Reason**

The development hereby approved shall accord in all respects with the approved plans 3088/P101 REV A, 3088/P102, 3088/P103, 3088/P104, 3088/P105, 3088/P106 REV C, 3088/P107 REV C, 3088/P108 REV B and 3088/P109 REV B, unless otherwise 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 - Non-Standard Condition/Reason**

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

### **4 - Non-Standard Condition/Reason**

Prior to the commencement of development, a schedule of all types and colours of external materials to be used shall have been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

### **5 - Non-Standard Condition/Reason**

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such details are considered important to the character of the area.

#### 6 - Non-Standard Condition/Reason

Prior to the commencement of development, evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a final BREEAM rating level of at least Very Good.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

#### 7 -Non-Standard Condition/Reason

Within 3 months of the occupation of the development, a final Certificate shall have been submitted to the Local Planning Authority certifying that BREEAM rating Very Good has been achieved for this development.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

#### 8 - Non-Standard Condition/Reason

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

#### 9 - Non-Standard Condition/Reason

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### 10 - Non-Standard Condition/Reason

No occupation of the development shall take place until such time as the following have been provided or completed:

- The removal of the existing western-most site access
- Retention and improvements to the existing eastern-most site access
- A minimum 2 metre wide footway along the St. Peter's Street site frontage between the site's western-most boundary and retained site access with a dropped kerb/tactile paving crossing point on both sides of the St. Peter's Street carriageway, immediately west of the retained site access
- A travel plan to include but shall not be limited to a free of charge cycle hire scheme and £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan (this item to be covered by Legal Agreement).

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

## 11 - Contaminated Land Part 1 of 4 (Site Characterisation)

Prior to the commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

## 12 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

### 13 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

Prior to the commencement of development other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved, unless otherwise agreed, in writing, by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

### 14 - 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.

### 15 - Non-Standard Condition/Reason

**Precautionary ground gas protection measures, as described in the report Landscape Planning Ltd – CMT (Testing) Desk Study, Issue 3, Ref 5657/NN/42046, Dated July 2012 shall be incorporated into the proposed building. Alternatively, the following is required:**

Prior to the commencement of the development, site investigations shall have been conducted by competent persons to assess any possible risks associated with the production of hazardous ground gas. A detailed remediation scheme shall be submitted to:

- Remove the source of the hazardous gas; and/or
- Incorporate into the proposed building necessary design or mitigation measures as required by the risk assessment.

This shall have been approved, in writing, by the Local Planning Authority prior to the commencement of construction works. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### 16 - \*Validation Certificate

Prior to the first occupation/use of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 13.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

#### 17 - Non-Standard Condition/Reason

No deliveries (excluding newspapers) shall be received at, or despatched from, the hotel site outside of the following times:

Weekdays: 8am - 6pm

Saturdays: 9am – 1pm

Sundays and Public Holidays: No deliveries

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 delivery vehicles 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.

#### 18 - Car Parking and Service Areas (Outline Planning Permission only)

Prior to their first use, any car parking and service areas shall be screened to minimise any noise impact on nearby residential premises and in such a manner so as to prevent nearby residential premises being affected by vehicle exhaust fumes in accordance with a scheme that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that there is adequate screening in place to limit any unnecessary fumes, noise and disturbance to the surrounding areas and/or residents from vehicles using these areas.

#### 19 - 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.

#### 20 - \*Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance EZ3 small town centres or urban locations.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.



## 21 - 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.

## 22 - \*Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed Finished Levels Or Contours;
- Means Of Enclosure;
- Car Parking Layouts;
- Other Vehicle And Pedestrian Access And Circulation Areas;
- Hard Surfacing Materials;
- Minor Artefacts And Structures (E.G. Furniture, Play Equipment, Refuse Or Other Storage Units, Signs, Lighting Etc.);
- Proposed And Existing Functional Services Above And Below Ground (E.G. Drainage Power, Communications Cables, Pipelines Etc. Indicating Lines, Manholes, Supports Etc.);
- Retained Historic Landscape Features;
- Proposals For Restoration;
- Planting Plans;
- Written Specifications (Including Cultivation And Other Operations Associated With Plant And Grass Establishment);
- Schedules Of Plants, Noting Species, Plant Sizes And Proposed Numbers/Densities Where Appropriate; And
- Implementation Timetables And Monitoring Programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

## 23 - Non-Standard Condition/Reason

Prior to the commencement of development, the applicants shall submit details of proposed bat boxes and using bat sensitive lighting, particularly on the rear boundary. Such details shall be agreed in writing by the Local Planning Authority and shall be implemented as such prior to the building coming in to use.

Reason: In the interests of ecology as the site is near to an established foraging route for bats.

## 24 - Non-Standard Condition/Reason

Any vegetation or clearance works (including buildings) that are to be undertaken as part of any future development should be conducted outside of the main breeding bird season (March to September inclusive). If this is not possible then a nest search should be conducted immediately prior to works commencing.

Reason: In the interests of nature conservation.

#### 25 - Non-Standard Condition/Reason

Prior to the commencement of use, car parking (including spaces for people with disabilities and spaces for unloading and late night arrivals) and cycle parking shall be laid out as per the submitted drawings and shall be retained for those specific uses at all times.

Reason: To ensure the maximum amount of on site parking and to minimise inconvenience to residents and other nearby road users.

#### 26 - Non-Standard Condition/Reason

All bathroom windows as well as all landing windows shall be obscured to a minimum obscuration of Pilkington Level 3.

Reason: In the interests of residential amenity.

#### 27 - Non-Standard Condition/Reason

External doors to the proposed restaurant and tea room shall be closed between 23:00 and 07:00.

Reason: In the interests of residential amenity.

#### 28 - Building Watching Brief

Prior to the commencement of any works, a watching brief shall have been arranged to be maintained during the course of any works affecting the historic fabric of the building and to be carried out in accordance with a written specification produced by a professional archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To safeguard the identification and recording of features of historic and/or archaeological interest associated with the fabric of the building.

#### 29 - Non-Standard Condition/Reason

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 7.5m above Ordnance Datum (AOD).
2. A first floor shall be provided with a minimum floor level of 7.8m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure that there is refuge within the building above the extreme, 1 in 1000 year flood level.

Tree Conditions to follow

#### **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) The applicant is requested to use best endeavours to recruit and train local people.
- (4) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river (River Colne). Please note that this written consent is required irrespective of any planning permission which may or may not be granted in the future.
- (5) Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works All highway related details should be agreed with the Highway Authority.
- (6) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.
- (7) If the applicant believes they need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively they can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk)
- (8) Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.



## **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.*