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Item No: 7.6

Application: 210245

Applicant: Mr Gam Gunasene

Agent: -

Proposal: Erection of Timber Shed to provide a separate collection / Rapid Testing Centre for our COVID-19 Rapid Response Team designated to solely provide Care to COVID-19 positive individuals in communities from Tendering, Colchester to Chelmsford.

Location: 2 Gladstone Road, Colchester, CO1 2EB

Ward: New Town & Christ Church

Officer: Eleanor Moss

Recommendation: Temporary approval to allow the Applicant time to find a suitable alternative for their requirements during the Covid-19 pandemic.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Higgins called-in the application for the following reason:

Inappropriate development in a conservation area. Size, material and form. Reduced car parking onsite; this one of the properties in the road that has off street parking, the loss of spaces will mean more on street parking in a residential area.

2.0 Synopsis

- 2.1 key issues explored below are the impact upon the Conservation Area, impact upon locally listed building (2 Gladstone Road), design and traffic and highway implications. The report concludes that only temporary permission for up to one year would be suitable due to the harm caused.
- 2.2 The application is subsequently recommended for temporary permission for up to one year.

3.0 Site Description and Context

- 3.1 The application site is a Victorian detached villa in use as a care home and located within the New Town Conservation Area. The application property occupies a prominent corner plot within the New Town Conservation Area commensurate with it being locally listed, laid out by a J.F.Goodey in 1878, a prominent local architect and builder.

4.0 Description of the Proposal

- 4.1 Erection of timber shed to provide a separate collection / Rapid Testing Centre.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 171863 - Side and rear extensions to form new assisted living space. Refuse on 07/09/2017 and dismissed at appeal.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Submission Colchester Borough Local Plan 2017-2033:

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction

8.0 Consultations

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

8.2 Heritage Officer – objects:

2 Gladstone is situated within the designated New Town Conservation Area. The building is included in Colchester's adopted Local List, as Gladstone Lodge: *"Large house, c.1880. Red brick, with half-timbered gables jettied over oriel windows.*

Occupies a prominent position on the corner of New Town Road, at the heart of New Town, laid out by J.F. Goodey from 1878. Goodey was a prominent local architect and builder, Nonconformist, and Liberal; hence Gladstone Lodge and Gladstone Road."

The building was adopted in the Local List for its architectural and historical interest, as well as for its association to a notable local personality. The corner house is prominent on the junction of Gladstone Road and New Town Road and contributes positively to the character of the Conservation Area as a good example of eponymous architecture of its era.

The application seeks permission for the erection of a shed to the rear of the property. According to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990), in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Par. 193 of the NPPF (2019) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation., while Par. 194 clarifies that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification. Par. 197 of the Framework sets out that the decision of applications should consider their effect on the significance of a non-designated heritage asset and when applications directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The requirement to protect Conservation Areas and heritage assets is reflected in adopted Local Plan policies CS ENV1 and DP14.

By virtue of its utilitarian appearance which does not relate well to the host building and the built context of the area, the addition of the shed at close proximity to the house and on a location that is visible from the Gladstone Road would result to a level of harm to the non-designated heritage asset and would reflect poorly on the Conservation , having an adverse impact on its character and quality. The application does not include any accompanying material to provide justification for its erection , although the description suggests that it is related to the COVID response. This limited information does not satisfy the requirements of the NPPF's Par. 194 which requires clear and convincing justification for development that would cause harm to designated heritage assets. Therefore the application cannot be supported on heritage grounds . If further information is provided in support of the proposal, please reconsult.

8.3 Environmental Protection:

The developer is referred to the 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.

8.4 Highway Authority – objects:

The proposal fails to provide sufficient off road parking facilities in addition to maintaining present parking demands of the site. The proposal would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress for the area and causing conditions of congestion, danger and obstruction, contrary to the interests of highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

9.0 **Parish Council Response**

9.1 Non Parished

10.0 **Representations from Notified Parties**

10.1 The application resulted in nine notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

- Impact upon street scene
- Impact upon Conservation Area
- Impact upon parking and highway safety
- Retrospective application
- Inappropriate for location for a Covid-19 building

11.0 **Parking Provision**

11.1 The proposal reduces parking and turning provision on site. Discussed in the below report.

12.0 **Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In terms of the proposal, the scheme does not provide a step free access however only temporary permission would be considered in this instance. Based on the submitted information, the scheme is not considered to cause discrimination in terms of The Equality Act.

13.0 **Open Space Provisions**

13.1 Not applicable

14.0 Air Quality

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

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

Principle of Development

16.1 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester Town and is identified in the Site Allocation Plan as predominately residential use. Given this, the proposal is considered to be acceptable in principle.

Heritage and Design

16.2 Core Strategy policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.

16.3 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

16.4 Core Strategy policy UR2 seeks to enhance Colchester’s unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development, these features include buildings and Conservation Areas. Development Policy DP14 seeks to protect the Council’s Conservation Areas from inappropriate development. In this instance, the proposal is located within the Conservation Area and 2 Gladstone Road is locally listed.

16.5 In the exercise of Planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The objectives of Development Policy DP14 are consistent with this test.

- 16.6 Paragraph 184 of the NPPF identifies that heritage assets are irreplaceable resources. Paragraph 193 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.
- 16.7 Paragraph 189 of the National Planning Policy Framework (NPPF) says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their settings. When considering proposals which affect non-designated heritage assets, paragraph 197 of the NPPF requires a balanced judgment having regard to the scale of any harm or loss and the significance of the heritage asset.
- 16.8 It is noted within the submission documents that the proposal is for a Covid-19 rapid response team to solely provide care to COVID-19 positive individuals in communities from Tendering, Colchester to Chelmsford.
- 16.9 The proposal is not considered to be of good design and would not relate well to the locally listed building or the wider Conservation Area. By virtue of its utilitarian appearance, the proposal is considered to be incongruous and would have an adverse impact on the character and quality of the application site and street scene. For these reasons, the proposal would fail to preserve or enhance the character or appearance of the New Town Conservation Area and the significance of the application property as a non-designated heritage asset. It would therefore conflict with Policy UR2 of Core Strategy and Policy DP14 of the Development Policies. Amongst other things these seek to secure a high quality of design, that development respects and enhances the character of the site, its context and surroundings and that the historic environment is preserved or enhanced, including buildings that have a particular local importance or character which is desirable to keep.
- 16.10 It is noted the current public health guidelines have had a profound impact on care facilities, and, Local Planning Authorities do have a role to play in contributing to the wider response to Covid-19. Given this, it is recommended that a temporary permission is granted for one year only to allow sufficient time to find a more suitable location for the Applicant's requirements and time to remove the shed. It is noted that a year permission may seem excessive given the harm caused however the Local Planning Authority is also mindful that Covid-19 still remains a threat which is causing additional pressures on many businesses and communities. Given the on-going pandemic and the pressure this causes on businesses, such as care homes, a year is considered to be sufficient time for alternative off-site arrangements to be secured by the Applicant.

Parking and Highways Safety

- 16.11 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks

to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.

16.12 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. Emerging Policy DM22 states that parking should be provided in accordance with the most up to date parking guidance taking into account the following factors:

- i. Levels of local accessibility;
- ii. Historic and forecast car ownership levels;
- iii. The size, type, tenure and location of the dwellings; and
- iv. The appropriate mix of parking types including opportunities for car-sharing (e.g. unallocated, on-street, visitor, car club etc).

16.13 The proposal results in the loss of on-site parking and turning provision which is considered to be harmful. The layout of the parking that is a concern and would not allow for cars to turn and exit the site in a forward gear. The area is narrow and in such proximity to a large brick wall it would be challenging to exit in forward gear.

16.14 It is likely that the proposal would result in a level of additional vehicle manoeuvres, including the likelihood of a number of vehicles reversing onto the highway when inevitably cars have to manoeuvre in and out of a position. Whilst speeds would be low the reduction in parking and manoeuvring space would increase the risks of conflict between users. This would cause inconvenience for pedestrians, cyclists and drivers of other vehicles which would harm highway safety. As such, the proposal would conflict with Policy DP19 of the Development Policies insofar as it requires appropriate parking standards. Insofar as the proposal would have an unacceptable impact on highway safety and the proposal would not minimise the scope for conflicts between pedestrians, cyclists and vehicles it would also conflict with the Framework in this regard.

16.15 As above, it is noted that Covid-19 continues to be a threat and puts additional pressure on communities and businesses, as such a one year temporary permission is considered to be an appropriate time period to allow the Applicant sufficient time to find an off-site alternative and to remove the shed from the application site.

17.0 Conclusion

- 17.1 To summarise, the proposal is contrary to both local and national policy, however due to the circumstances of Covid-19, a temporary permission for one year is recommended in order to allow a suitable off-site scheme to be attained.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAG - *Temporary Permission*

The period of this permission shall expire after a period of 12 months from the date of this permission, or upon the first cessation of use, whichever is the earlier. Within 28 days from the date at which this permission expires any building, material, equipment or hard landscaping resulting from, or used in connection with, the development hereby permitted shall be removed from the site in its entirety and in accordance with a scheme that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and because the development is fundamentally harmful to the locally listed building, the Conservation Area and highway safety. The temporary permission is granted solely in recognition of the Covid-19 circumstances of this case, to allow the applicant to find suitable arrangements off-site as the development would not have otherwise been acceptable to the Local Planning Authority.

19.0 Informatives

- 19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2. ZTB - Informative on Any Application With a Site Notice

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