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Item No: 7.2

Application: 240563

Applicant: Mr Jackson Runicles

Agent: Mr Jackson Runicles

Proposal: The proposed building is intended to replace the existing container and is considered to be more appropriate within the Conservation Area. It will utilise traditional materials - black weatherboarding and pantiles. The proposed development is located to the rear of Hythe House and has minimal view from Hythe Hill. There is currently a 1.42m high brick wall to the boundary with Connaught Close. To the rear of the site is a wall with fencing and trellis above measuring 2.4m in height in total. The property adjacent to the rear boundary does not have any windows in the side elevation.

Location: Hythe House, Flat 1, 142 Hythe Hill, Colchester, Essex, CO1 2NF

Ward: Old Heath & The Hythe

Officer: Kelsie Oliver

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is known to a Colchester City Council employee.

2.0 Synopsis

- 2.1 The application seeks planning permission for a proposed building, intended to replace an existing steel storage container. The key issues for consideration is the impact on the character and appearance of the Conservation Area and the setting of the adjacent listed building.
- 2.2 The application is subsequently recommended for approval, subject to a set of standard conditions. All relevant issues are assessed in the report below.

3.0 Site Description and Context

- 3.1 The site contains a detached former office block built in the early 1970's. The block is now in residential use (C3) providing student flats and is located on the junction of Hythe Hill and Connaught Close, Colchester. The site is located within a Conservation Area and there is a Listed Building immediately to the west of the site.

4.0 Description of the Proposal

- 4.1 Application seeks planning permission for a proposed building is intended to replace the existing container and is considered to be more appropriate within the Conservation Area and sympathetic to its character. It will utilise traditional facing materials - black weatherboarded elevations and a pantiled roof. The proposed development is located to the rear of Hythe House and has minimal visibility from Hythe Hill. There is currently a 1.42m high brick wall to the boundary with Connaught Close. To the rear of the site is a wall with fencing and trellis above measuring 2.4m in height in total. The property adjacent to the rear boundary does not have any windows in the side elevation.

5.0 Land Use Allocation

- 5.1 The current land use is classed as predominantly residential.

6.0 Relevant Planning History

- 6.1 211519 - Replace existing timber and render cladding with cedar panels; replace windows with identical UPVC units in black; replace existing aluminium front doors with similar doors finished in black (Approve/Conditional)

210635 - Application to determine if prior approval is required for a proposed change of use from Offices (Class B1(a)) to 10no. dwellinghouses (Class C3) - Prior Approval granted.

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 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

DM13 Domestic Development
DM15 Design and Amenity
DM16 Historic Environment

7.4 Some “allocated sites” also have specific policies applicable to them. This is not applicable in this instance.

7.5 There is not a made neighbourhood plan for this area.

7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide

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.

9.0 Parish Council Response

9.1 Unparished

10.0 Representations from Notified Parties

10.1 The application resulted in a number of 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. At the time of drafting this report no third party representations had been received. Any received subsequently will be reported to committee via the Amendments Sheet or verbally.

10.2 **Historic & Conservation Officer:** The impacts are indirect on the wider setting of the neighbouring listed building and very minimal in terms of the character and appearance of the CA given the backland location and the dominance of the frontage block (which is itself uncharacteristic of the traditional vernacular

scale of buildings in the conservation area). There would be no material impact on the setting or significance of the neighbouring listed building by reason of the separation and limited intervisibility from view points to the rear of the frontage development. The significance of the designated HA affected would not be changed by the introduction of the proposed storage building as a consequence of its modest scale and traditional form and finishes.

Environmental Protection:

Should planning permission be granted Environmental Protection wish to make the following comments:-

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: **08:00-18:00**

Saturdays: **08:00-13:00**

Sundays and Bank Holidays: **No working.**

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

NOTE: Demolition and Construction

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.

11.0 Parking Provision

11.1 The proposed building replaces an existing structure and does not in itself, generate any parking requirement. The footprint of the structure would occupy space that could otherwise be used as parking to serve the ten flats in the block.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development has no implications for Equality as it is for ancillary storage only.

13.0 Open Space Provisions

13.1 N/A Ancillary storage only.

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

16.1 The main issues in this case are:

- Design and Layout
- Impact on the Conservation Area
- Impacts on Neighbouring Properties

16.2 Below is an assessment of the proposal against any potential impact on the character and setting of the host building, the Conservation Area and the adjacent Listed Building.

16.3 The proposed development relates to the removal of detached container, within a proposed single storey detached outbuilding. The proposed detached building would be located to the rear of Hythe House, alongside the boundary and Connaught Close. The site boundary of the site is enclosed by a 1.42m high brick wall and trellis above. The proposed building would consist of a single entrance from the gable and no windows are proposed.

16.4 The proposed building is proposed to be used for storage ancillary to the main building – residential flats (C3). The proposed detached building is considered to be modest and would be faced with black timber weatherboarding to the walls, with Marley 'Burnt Flame' plain tiles to the roof and a steel door painted in a black finish to match the boarded elevations.

16.5 As noted by the Development Manager there would be limited impacts to the setting of the listed building and the character and appearance of the wider Conservation Area, for the following reasons. Given the backland location of the building and the dominant scale and commercial appearance of the host building, the proposed ancillary storage building would be subordinate in scale and largely screened from wider public views from Hythe Hill. Consequently, the proposed storage outbuilding would have a neutral impact on the character and appearance of the wider conservation area.

16.6 Furthermore, the site lies adjacent to a neighbouring listed building. This comprises a Georgian townhouse of domestic scale. However, there is an adequate degree of spatial separation of the proposed development and the listed building and only limited intervisibility from view points to the rear of the frontage development to Hythe Hill. It is accordingly considered that the proposed development would not materially impact upon the setting of the neighbouring listed building nor affect the significance of the listed building. The proposal is consequently considered to accord with the provisions of policies DM15: Design and Amenity and DM16: Historic Environment of the Adopted Colchester Local Plan 2017-2033.

16.7 Due to the proposed use of the building for ancillary storage only, the modest scale of the structure and the degree of separation from neighbouring dwellings to the side and rear of the site in Connaught Close, it is unlikely that the proposed building would result in any material harm to neighbouring residential amenity.

The proposal is consequently considered to be in conformity with Policy DM15: Design and Amenity.

17.0 Planning Balance and Conclusion

17.1 In summary, the proposal will result in a neutral impact upon the character and appearance of the Conservation Area and the setting of the adjacent listed building and is therefore considered acceptable. Furthermore, the design of the proposed building and the ancillary storage use would not affect the residential amenities currently enjoyed by neighbouring dwellings.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted drawings labelled Location plan dated 15.03.2024 & Proposed Elevations & floor plans dated 21.03.2024.

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

3. ZBC - Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development. Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. Z00 - *Ancillary to Host Dwelling*

The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwellings known as Hythe House, 142 Hythe Hill and not for any trade or commercial use.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed

5. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

19.1 Informatives

19.1 The following informatives are also recommended:

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.