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Item No: 7.4

Application: 190274

Applicant: D G Rose Limited

Agent: The Johnson Dennehy Planning Partnership

Proposal: Application for approval of reserved matter following outline approval 180886 - Residential use of former car park to international house following change of use from B1a (offices) to C3 (dwellings) of international house.

Location: International House, Moss Road, Stanway, Colchester, CO3 0JL

Ward: Stanway

Officer: Eleanor Moss

Recommendation: Approval with conditions

1.0 Reason for Referral to the Planning Committee

1.1 This reserved matters application is referred to the Planning Committee because when the outline planning permission was approved, Committee resolved *inter alia* that:

(i) The reserved matters be submitted to Committee for determination.

1.2 This reserved matters application is referred to Committee in accordance with its resolution.

2.0 Synopsis

2.1 Following the grant of planning permission under 180886, this submitted reserved matters application seeks planning permission for the appearance and landscaping. The application is considered to be acceptable in these regards.

2.2 The application is subsequently recommended for approval subject to recommended conditions.

3.0 Site Description and Context

3.1 The vicinity of the application site is characterised by fairly large scale buildings formally laid out on a grid of straight roads. The appeal site sits between one such building and a surface car park.

4.0 Description of the Proposal

4.1 This reserved matters application seeks planning permission for the appearance and landscaping of the residential development of a former car park which used to serve International House but is now surplus to requirements.

5.0 Land Use Allocation

5.1 Mixed

6.0 Relevant Planning History

6.1 162649 - The host building, International House, submitted an application for prior approval to convert the office building into residential properties.

6.2 170259 – Proposed block of flats in former car park of International House. This application was refused due to the impact upon street scene, poor standard of amenity for future occupiers and impact upon the occupiers of International House. The application was dismissed at appeal for the following reason:

Whilst I have found that the proposal would not have harmful effects with regard to privacy, the provision of external space, the living conditions of the occupiers of International House or the character and appearance of the area, that does not outweigh my concern regarding the impact of noise on future occupiers. For that reason, the appeal should be dismissed.

It should be noted the previous application was dismissed on the grounds of a lack of noise assessment alone

- 6.3 180886 - Residential use of former car park to international house following change of use from B1a (offices) to C3 (dwellings) of international house (resubmission of planning permission 170259). Approved by Planning Committee on 22 November 2018.

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
CE2b - District Centres
CE3 - Employment Zones
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment

- 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
DP7 Local Centres and Individual Shops
DP12 Dwelling Standards

DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA CE1 Mixed Use Sites
SA H1 Housing Allocations
SA STA1 Appropriate Uses within the Stanway Growth Area

- 7.5 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.6 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
Backland and Infill
Sustainable Construction
Managing Archaeology in Development

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 Environmental Protection – No objection subject to recommended conditions.

8.3 Highway Authority – No objection subject to recommended conditions.

8.4 Landscape Advisor – No objections subject to recommended conditions.

9.0 Parish Council Response

9.1 The Parish Council have stated the following: “I refer to the above application and can confirm that Stanway Parish Council OBJECTS to this proposal. Moss Road is an industrial site and the proposal does not meet the minimum parking requirements.”

9.2 Officer comment: Highways safety and parking have previously been considered at the outline stage.

10.0 Representations from Notified Parties

10.1 None received at the time of writing.

11.0 Parking Provision

11.1 Complies with Parking Standards

12.0 Accessibility

12.1 The proposal is considered to comply with the requirements of DP17. Access to the proposal is at street level without stepped access. Access arrangements have previously been considered and approved at outline stage.

13.0 Open Space Provisions

13.1 N/A

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

The Principle of Development

16.1 The principle of residential development has been established by the outline planning permission. This application is for the approval of the matters reserved

by the outline application, in this instance the reserved matters comprise appearance, layout and landscaping. These are discussed below.

Design, Appearance and Layout

- 16.2 CS Policy UR2 and DPP DP1 seek to promote and secure high quality design. The Framework also seeks to promote high quality design.
- 16.3 The Appeal Inspector did not raise a concern to the proposed development in terms of character and appearance, the relevant paragraph is provided below:

13. The vicinity of the appeal site is characterised by fairly large scale buildings formally laid out on a grid of straight roads. The appeal site sits between one such building and a surface car park. Taking into account that the proposal does not seek to establish the scale or layout of the building, I see no reason why any proposed building should necessarily be over-dominant, oppressive or disrupt the balance of the street scene... Therefore I find that the proposal would not have a detrimental effect on the character and appearance of the area and so would not conflict with DP Policy DP1 or Policy UR2 of the Council's Core Strategy 2008 insofar as they require development to achieve a high standard of design which respects and enhances the character of the site and its surroundings in terms of height, size, scale and massing."

- 16.4 The proposal has been designed to reflect the characteristics of the area and the adjacent International House. The layout is orientated to ensure that the front of flats address the streets and public spaces.
- 16.5 Given the Inspector's findings, it is considered to proposal is acceptable. The design, appearance and layout of the proposed development is considered to conform with the aforementioned development plan policies and the guidance set out in the framework.

Landscaping

- 16.6 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Central Government guidance on conserving the natural environment is set out in the Framework.
- 16.7 In this instance, the site relates to a former car park and is formed of hardstanding and railings. There is little in terms of landscaping in the vicinity of the site. The submitted proposed site plan demonstrates landscaping which is beyond what the site currently provides. Further to this, the Appeal Inspector did not raise a concern to the proposed development in terms of character, appearance and landscaping which needs to be given due weight.
- 16.8 The recommended landscaping conditions are considered to be suitable in order to ensure an acceptable landscaping scheme on site. The current planning application is therefore considered to accord with relevant CS ENV1, DPD Policies DP1 and DP21 and the Framework which requires planning application to conserve or enhance biodiversity interest.

17.0 Conclusion

17.1 To summarise, this reserved matters application satisfies the appearance, layout and landscaping policy requirements and it is recommended reserved matter consent is granted.

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. ZAF – Reserved Matters Application

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference

180886 relating to this site and the conditions attached thereto remain in force.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of 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 Drawing Numbers 4097 221 and 4097 222.

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

3. Non Standard Condition - Windows

Windows to habitable rooms (bedrooms) on the western (rear) elevation shall be non-opening with mechanical ventilation provided. Windows to habitable rooms on the southern elevation shall have restricted opening only to 20cm.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

4. Non Standard Condition - Noise

Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed. Maximum internal noise levels at night in bedrooms shall not exceed 45dBA on more than 10 occasions a night. The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

5. ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
where appropriate;
wheel washing facilities;
measures to control the emission of noise, dust and dirt during construction; and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

6. 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.

7. ZCG - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

8. ZGR - *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 Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

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

9. Non Standard Condition - Electric vehicle charging points

Electric vehicle charging points shall be provided at a rate of one per dedicated private parking space and one per ten communal spaces.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

10. ZFE - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

11. Non Standard Condition – Landscaping

No groundworks shall take place until full details of all landscape works 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.).
- 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.
- Implementation timetables.

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.

19.1 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. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Non Standard Informative – External communal amenity area

This is located adjacent to an industrial dust extraction system identified by the acoustic survey as the dominant noise source in the immediate area. The measured noise levels in the survey previously submitted show a negligible exceedance over WHO guidance when averaged over a 16-hour day. However, noise from the dust extraction plant will have a significant impact on this area when it is operating. It is likely that the business concerned has a legal defense against noise nuisance action so that no future controls can be enforced in the event of complaints.

As the dust extraction plant is at height an acoustic fence on the boundary will not provide any meaningful attenuation.

4. Non Standard Informative – Landscaping

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).'

5. 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.