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| Item No: | 7.3 |
| Application: | 212055 |
| Applicant: | CBC Sustainability Team |
| Agent: | |
| Proposal: | Secure Cycle Park |
| Location: | 2 & 3 Portal Precinct, Sir Isaacs Walk, Colchester, CO1 1JJ |
| Ward: | Castle |
| Officer: | Annabel Cooper |
| Recommendation: | Approval |

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee for transparency and probity because the application has been submitted by Colchester Borough Council.

2.0 Synopsis

2.1 The proposal is for secure cycle parking which would have a capacity of approximately 45 bikes, including e-cargo bikes, as well as a community bike maintenance facility will be carried out by Colchester Bike Kitchen.

2.2 The proposed development is considered to be sustainable development, would not have an adverse impact on the conservation area and would not have an adverse impact on residential amenity.

2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

3.1 Two ground floor units within Portal Precinct which is a small courtyard located off Sir Isaac's Walk. The site is within the Town Centre Conservation Area and is within the Inner Core of the Town Centre.

3.2 Nos.2 & 3 Portal Precinct have been vacant for a number of years.

4.0 Description of the Proposal

4.1 Change the use of the units to secure cycle parking and community bike **maintenance. The change of use would not result in any changes to the external appearance of the units.**

4.2 The secure cycle parking will have capacity for approximately 45 bikes including e-cargo bikes. The facility will not be staffed but users will sign up to the scheme and be managed by a booking and payment system.

4.3 The community bike maintenance facility will be carried out by Colchester Bike Kitchen (CBK). They will operate by providing a workshop space, tools and a small stock of spare parts which the general public may use to repair their own bikes either on their own or under the supervision of volunteer mechanics. In return, users are asked for a small donation to cover running costs and must pay for any spare parts they use.

4.4 The unit will be covered by CCTV and be overseen by staff at the community bike facility.

5.0 Land Use Allocation

5.1 Inner Core, Conservation area and Central Area. Primarily Commercial, business, service and residential.

6.0 Relevant Planning History

6.1 There is an extensive planning history though none is pertinent to the current application.

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

CE2a - Town Centre

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

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

DP6 Colchester Town Centre Uses

DP17 Accessibility and Access

7.4 There are no relevant policies within the adopted Borough Site Allocations Policies (adopted 2010, amended 2014).

7.5 There are no relevant Neighbourhood Plans.

7.6 Adopted Local Plan and Emerging Local Plan Status – March 2021

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to complete examination following hearing sessions in April 2021. Section 2 policies must be assessed

on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Emerging Section 2 Local Plan

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. Section 1 of the plan is therefore considered to carry full weight.

Section 2 was examined at hearing sessions in April. Modifications from the Planning Inspector have been issued however they have yet to undergo consultation.

Section 2 will be afforded some weight due to its advanced stage. 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.

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

The Essex Design Guide
EPOA Vehicle Parking Standards
Cycling Delivery Strategy
Town Centre Public Realm Strategy

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 *Built Heritage and Conservation*

No objections to the proposal on heritage grounds. The proposed change of use does not require any external alterations to the premises that could affect the character of the Conservation Area. The proposed use can have a positive impact on the Conservation Area by encouraging and facilitating environmental-friendly travel to the historic town centre.

8.3 *Archaeology*

No archaeological issues.

8.4 *Colchester Cycling Campaign*

We support the provision of a secure cycle park in Colchester.

9.0 Parish Council Response

9.1 Non parish

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations have been received.

11.0 Planning Obligations

11.1 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.

12.0 Report

12.1 The main issues in this case are:

- The Principle of Development
- Built Heritage and Conservation
- Impact on Amenity

Principle

12.2 Development Policy DP6 is very prescriptive seeking to ensure that the Inner Core of the town centre maintains a high level of retail use. This is now a slightly dated approach given the recent changes in retailing and the increasingly diverse and complex uses permitted under Use Class E. Whilst the change of use would result in the loss of two units that could be used as retail units, they have been vacant for some time. The units are situated off the main shopping street Sir Isaacs Walk and therefore there is limited visibility from the main public realm. Therefore, whilst the application does not fully comply with policy DP6 is it not considered sufficient reason to preclude the proposed development which is considered to accord with the NPPF.

12.3 Changing the use of the units to secure cycle parking and community bike maintenance will encourage people into the town centre, helping to make the town centre core more vibrant, encourage visitors and helping the town centre economy.

- 12.4 It is considered that the change of use would be sustainable development. There would be an environmental benefit in encouraging sustainable means of transport to and within the town centre, an economic benefit in returning two vacant units back into use and encouraging more people to travel and spend in the town centre, and a social benefit in encouraging a community use as a bike maintenance space.
- 12.5 Therefore, the proposed complies with Local Plan Policy SD1 and emerging Local Plan Policy SP1 which state that decisions will reflect the presumption in favor of sustainable development contained in the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area.
- 12.6 The proposed also accords with Development Policies DP17, TA1 & TA2 in that the proposed will enhance accessibility for sustainable modes of transport giving priority to cycling access.

Built Heritage and Conservation

- 12.7 The proposed change of use does not require any external alterations to the premises that could affect the character of the Conservation Area. The proposed use can have a positive impact on the Conservation Area by encouraging and facilitating environmentally-friendly travel to the historic town centre. Therefore, the proposed complies with Local Plan Policies ENV1 and DP14 which seek to conserve and enhance Colchester's historic environment.

Impact on Amenity

- 12.8 The proposed activity would cause minimal noise and disturbance to nearby residential properties and would not be used after 10pm. The Colchester Bike Kitchen (CKB) will operate by providing a workshop space, tools and a small stock of spare parts which the general public may use to repair their own bikes either on their own or under the supervision of volunteer mechanics.
- 12.9 Comment from Planning Statement: *CBK has been in operation for 6 years at two previous locations with no issues with noise or disturbance for neighbours as any noise is either low level talking, a kettle boiling, gears ticking and maybe quiet chatting.*
- 12.10 It is not considered that the change of use would have an adverse impact on residential amenity. The proposed is therefore considered to comply with Local Development Plan policy DP1 and emerging Local Development Plan SP7 which requires development to protect existing public and residential amenity.

13.0 Conclusion

13.1 To summarise, The proposed development is considered to be sustainable development, that would not have an adverse impact on either the conservation area nor residential amenity.

14.0 Recommendation to the Committee

14.1 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 - Approved Documents

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

Location Plan 100023706 dated 29.6.2021 & Existing Ground Flood Plan & Elevations 16472-22 dated 16.4.2021.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Non Standard Condition - Premises Only for a Specific Use

The premises shall be used for secure cycle parking and community bike maintenance.

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.

4. Non Standard Condition - Operating Hours

The use hereby permitted bike maintenance shall not OPERATE outside of the following times:

7.00 to 22.00 on any day.

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 people entering or leaving the site, and for the avoidance of doubt as to the scope of this permission.

5. Non Standard Condition - No Outside Storage

No materials of any kind shall be deposited, stacked or stored externally.
Reason: To ensure that there is no external storage to avoid harm to the amenities of the adjoining neighbours and conservation area.

15.0 Informatives

15.1 The following informatives are also recommended:

1. 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.

2. Informative Adverts

Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.