



Application No: 151611

Location: 78 Maldon Road, Colchester, Essex, CO3 3AL

Scale (approx): 1:1250

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7.5 Case Officer: Chris Harden

MINOR

Site: 78 Maldon Road, Colchester, Essex, CO3 3AL

Application No: 151611

Date Received: 6 August 2015

Agent: Jonathan Green, Laurie Wood Associates

Applicant: Mr John Ready

Development: Proposed Change of Use from Use Class D1 to use class: Sui Generis(HMO with in excess of 6no. residents).Proposed ground floor, single-storey extensions to the front and side of the existing property to provide improved internal accommodation. Proposed dormer roof extension and new rooflights to provide additional accommodation at 2nd floor. Associated external works including cycle store and reinstatement of existing railings.

Ward: Christ Church

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Cope. Concern has been raised that the drawings are not sufficiently precise to demonstrate that the street scene would be maintained, that this is an inappropriate design for a house of multiple occupation and that an archway would be dismantled. Other concerns are that the proposal would represent an overdevelopment of the site, and that noise from the garden will disturb the occupants of No.80, who will also have their garden overlooked from the dormer on the top floor.

2.0 Synopsis

- 2.1 The key issues explored below are the relevant background policies relating to the case, the impact of the external alterations on the character of the existing building and street scene and any impact upon neighbouring residential amenity. Issues such as whether there will be adequate amenity space and parking provision are also considered.

3.0 Site Description and Context

- 3.1 The site lies within a predominantly residential area in Colchester and is within an area of High Archaeological Potential. The existing building is quite a large three-storey, semi-detached Victorian property constructed of gault brick and located on the corner of Maldon Road where it meets Beaconsfield Avenue. It is a Locally Listed Building. There is a relatively small area of amenity space to the rear and side and a shared driveway. Number 80 is the attached neighbouring property.

4.0 Description of the Proposal

- 4.1 The proposal is to change the use of the building from Class D1 (Non-Residential Institution) to a Sui Generis use consisting of a House in Multiple Occupation (HMO) in excess of six residents. Eight bedrooms would be provided and there would also be a communal kitchen/dining room and a communal lounge.
- 4.2 The external areas around the lounge would be re-planned to form a landscaped garden with iron railings. There would be ground floor, single storey, extensions to the front and side of the property to accommodate a new lobby and bedroom. A bike store would be built to accommodate eight bikes and positioned in the southeast corner of the garden. The two bedrooms in the roof would use flush-fitting Velux roof lights. There would be a lead clad dormer on the East elevation that would provide headroom over the new staircase

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 Permanent planning permission was granted for a D1 (a) use (Non-Residential Institution) in 2006 (F/COL/06/1875) for the mental health charity MIND. Previous to this the building had been used by Open Road (for drug rehabilitation), as a holistic therapy consulting rooms and before that as a Headquarters for Colchester Conservative Party. It was originally a dwelling house.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA5 - Parking
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP11 Flat Conversions
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

- Vehicle Parking Standards
- The Essex Design Guide

8.0 Consultations

8.1 Highways Authority has no objections to the scheme and recommends a condition relating to number, location and design of cycle storage. A condition relating to the submission of a sustainable transport mitigation package is also recommended.

8.2 Environmental Protection has no objections subject to a condition relating to sound insulation and a note about demolition and construction.

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

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 One letter of objection has been received from a neighbour making the following points:

- Property was previously a commercial use (owned by the charity Mind) and used only during daytime / weekday hours. Proposal will change this to an excessive 8 bedroom HMO, with shared accommodation, creating overcrowding.
- Communal dining area has window that would look into our garden area. Outline still visible through frosted glass.
- Noise levels from this communal area and from courtyard will be excessive, exceeding World Health Organization (WHO) recommendations for external amenity (including garden) areas.
- Significant front extension proposed- detail not sufficient to see if attached to our property. Also noise concerns from use of this extension. Extension will result in loss of architecturally significant arch.
- Side and front extensions will have a negative effect on character of dwelling. Sit close to boundary Cranfield Conservation Area.
- Bedroom 6 will be adjacent to child's bedroom- noise concerns.
- Loft dormer will overlook our private garden
- Scheme designed to generate as much revenue as possible – inappropriate number of units.

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

11.0 Parking Provision

11.1 There is no on-site vehicular parking provision. There is no minimum parking provision standard for HMOs contained within the Essex County Council parking standards document.

12.0 Open Space Provisions

12.1 There is no requirement for any public open space provision for this application.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

14.1 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Principle

- 15.1 As the site lies within the physical limits of the town in a predominantly residential area, the principle of changing the use from D1 to a House in Multiple Occupation (HMO) is not ruled out on policy grounds and should be judged on its planning merits, having particular regard to the criteria outlined in Policy DP11 (Flat Conversions). Issues such as the intensity of use, access to services and the visual impact of the alterations upon the character of the street scene and upon the existing dwelling need to be assessed, as does any impact upon neighbouring residential amenity and highway safety. Amenity provisions and highway issues are also factors to be considered.

Parking

- 15.2 The property is considered to lie in a sustainable location, with good access to shops and facilities, being on the main Maldon Road not far out of the central area of Colchester. The units are of a relatively small size and it is not considered that the nature of the HMO units warrants the provision of on-site parking, particularly as demand for parking from occupants is considered to be less than that for a family house or larger units.

Design

- 15.3 There are a number of alterations proposed to facilitate the change of use of use to an HMO. Whilst in principle the alterations are considered to be acceptable, it is considered that some design amendments are required to ensure that the character of the property is retained. The covering of the existing entrance archway on the west elevation with an extension is a little unfortunate. However, it is considered that this would be acceptable providing the new entrance on the north elevation is amended to give it a higher status appearance in terms of additional detailing and form that reflects other front entrances in the vicinity. If satisfactorily amended this will be an adequate replacement for the existing archway entrance on the west elevation. There will also be other visual benefits to the site, including the removal of the close-boarded fence above the walling and the introduction of metal railings. This overall net visual benefit is considered to be a further justification for allowing the covering over of the archway with an extension.
- 15.4 It is considered that this front extension on the west elevation is of an appropriate scale and form, although it is desirable to continue the brick course below the eaves in order to reflect the existing character of the building. It is also considered that two rooflights on the north elevation should be grouped together in order to improve their appearance. Subject to the receipt of the above mentioned amendments, it is considered that the alterations would respect the character of the existing building and would not detract from the character of the street scene or nearby Conservation Area. Any amended plans received will be reported to the Committee.

- 15.5 The new dormer on the south elevation will be generally hidden from public view and is of an appropriate form and design to allow it to fit satisfactorily onto the building without detracting from its character. The applicant has, however, been asked to provide a drawing of the south elevation showing the dormer.

Residential Amenity

- 15.6 With regard to the impact upon neighbouring residential amenity, it is considered that the proposed use is acceptable and would not represent an over intensive use of the site. Environmental Health legislation can adequately control any potential noise disturbance from inside the property and from the external communal area. The cycle store lies between the neighbouring property and the outdoor communal area so this would give a degree of separation. The neighbours have raised concern about the overlooking of their property from various windows. The new dormer window on the south elevation is to be obscure glazed as it does not serve a room and is simply required to provide adequate head height for the stairs and for light. The ground floor kitchen window and toilet window will also be obscure glazed, so it is not considered that neighbouring privacy will be compromised. Conditions can be applied to ensure the obscure glazing is retained. A condition will also be applied to ensure that the two rooflights on the south elevation are high enough to ensure they would not allow overlooking.

Other Matters

- 15.7 In terms of the intensity of use, it is considered that the property is large enough to be able to satisfactorily accommodate the eight units without representing an overdevelopment of the site. The bedrooms and internal communal areas are of an appropriate size to provide a satisfactory living environment. There would also be provision of adequate external amenity space and secure cycle storage.
- 15.8 There have been no observations received from the Archaeological Advisor and it is considered that any impact upon items of archaeological importance is unlikely given that the small extensions are to be constructed on previously disturbed hard surfaces.

16.0 Conclusion

- 16.1 In conclusion, it is considered that the principle of the proposal can be supported and that, subject to design amendments, the scheme will preserve the character of the existing building and street scene. It is not considered that the proposal represents an over intensification of use of the site or that there would not be any significant detriment to highway safety or neighbouring residential amenity.

17.0 Recommendation

- 17.1 APPROVE following receipt of satisfactorily revised plans and subject to the following conditions.

18.0 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 - *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 224-01, 224-10, 224-11, 224-12, received 24/8/15 (subject to amendments to be received) and East elevation of dormer (to be received).

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

No works shall take place until precise details of the following have been submitted to and agreed in writing by the Local Planning Authority:

- (i) manufacturer and types and colours of the external facing and roofing materials to be used in construction.
- (ii) railings
- (iii) rooflights, which shall be of the flush fitting Conservation style
- (iv) new external hard surfaces
- (v) cycle store, which shall be provided prior to occupation of the building.

Only the approved details shall be implemented.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4 - Non-Standard Condition/Reason

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

5 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the applicant shall, prior to occupation of the development hereby approved, submit details to the satisfaction of the local planning authority showing: a non-opening, obscured window to the south-facing dormer; details of obscuration and opening to the kitchen window; obscuration to the toilet window. Such measures shall be in place prior to any occupation and shall be retained at all times thereafter.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

6 - Non-Standard Condition/Reason

The rooflights on the rear elevation shall have a lower cill level no less than 1.7 metres above the first floor level.

Reason: In the interests of neighbouring privacy

19.0 Informatives

(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) 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.

(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. Please pay particular attention to these requirements.

20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.