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Item No: 7.2

Application: 210088

Applicant: Lpb Homes

Agent: Miss Carolyn Mace, ADG Architects

Proposal: Application for the conversion of the building from Class D1 (Museum) to Residential Use (Class C3): Totalling 25 Student Flats, 6 Student Studios and 6 Apartments with cycling provision & bin storage. (Class C3): 29 units comprising 23 HMO rooms & 6 s/c flats; with cycling provision and bin storage.

Location: Former Museum Resource Centre, 14 Ryegate Road, Colchester, CO1 1YG

Ward: Castle

Officer: Chris Harden

Recommendation: Authority to Approve subject to Completion of a Legal Agreement and i) confirmation of compliance of all units with nationally prescribed space standards ii) agreement on revised developer contributions in light of increased unit numbers. .

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is deemed as a Major item and there have been objections to the scheme.

2.0 Synopsis

- 2.1 The key issues for consideration are the policy principle, impact on Heritage assets, residential amenity, highway safety, wildlife, contamination, archaeology, drainage and flooding. These matters are explored in the report.
- 2.2 The application is subsequently recommended for approval. The application site is located in a predominantly residential area that is well linked to existing services and facilities and is thus in a highly accessible and sustainable location. The change of use would assist towards meeting the Council's housing needs requirement, whilst being consistent with the Local Plan policy approach of focusing new dwellings within the existing urban area on previously developed land. There has already been an approval for residential use (182869 - nine apartments) and the current proposal is an alternative to that scheme. The scheme would represent the sustainable re-use of a redundant historic building and would also help support the existing town centre uses. It would not represent an overdevelopment of the site. The proposal is therefore considered to comply with the abovementioned settlement policies of the Local Plan and NPPF.
- 2.3 It is considered the proposal would preserve the character and appearance of the Conservation Area and re-use a Locally Listed Building and would not have any significant impact upon the setting of the grade I listed and scheduled Castle opposite. The scheme is generally considered acceptable in terms of the residential amenity of the future occupiers and neighbouring residents. However the points raised by Private Sector Housing in respect of substandard room sizes on 6 studios will need to be resolved and conclusions reached will be reported to the Committee. It is not considered parking provision is required owing to the highly sustainable Town Centre location and the provision of cycle parking. There are also no concerns in terms of wildlife impact, contamination, archaeology, drainage or flooding.

3.0 Site Description and Context

- 3.1 The site lies within the Colchester Conservation Area No.1 (Town Centre) and defined settlement limits boundary. It is located between Ryegate Road and Maidenburgh Street, within Colchester's historic town centre and Dutch Quarter. It is surrounded by predominantly residential properties along Maidenburgh Street and Ryegate Road. Colchester's High Street is located approximately 100m away to the south of the site. To the east of the site is Colchester Castle, a Grade I listed building and Castle Park, a Grade II registered park and garden.

- 3.2 The existing building to be converted dates from the later nineteenth century and is included in the Local List of buildings of architectural and historic interest and is an undesignated heritage asset. It is a part five storey, former factory building constructed mainly in facing red brick with large 'Crittall' steel and some cast iron C19 windows, under a pitch tiled roof with a later added concrete extension. The building is 'T' shaped in plan form and has had several structural additions since it was originally built in the 19th century.

4.0 Description of the Proposal

- 4.1 The application is for the Application for the conversion of the building from Class D1 (Museum) to Residential Use (Class C3). This conversion would provide for 25 Student Flats, 6 Student Studios and 6 Apartments with cycling provision & bin storage. A reconsultation has been undertaken as the original description stated an incorrect number of units (29) and a key on two of the plans was also found to be incorrect.
- 4.2 The development includes secure storage for 40 No. bicycles for use by apartment occupants and a bin stores both accessed from Ryegate Road. Access for the emergency services will also be from both Ryegate Road and the lift is located at this entrance. The agent has confirmed that there would be no external changes beyond those previously approved on application 182869 which was also for conversion and that existing windows would be retained with the exception of replacement windows on the North elevation, as previously agreed.
- 4.3 The works involved include the following (as per previous approval):
- Some replacement windows on the northern elevation (as before).
 - Removal and replacement of roof lantern;
 - Minor chimney works and
 - Internal works to accommodate the new units.
- 4.4 In the interests of clarity, the **works no longer required** compared to the previous approval owing to no parking provision are:
- Demolition of single storey extension on the southern elevation
 - Removal and infill of existing doors on eastern elevation;
 - Insertion of new painted timber sliding doors at ground floor level on northern elevation;
 - Replacement of masonry wall structure along the eastern boundary; creation of new access on southern elevation.

5.0 Land Use Allocation

- 5.1 Settlement Limits
Conservation Area
UAD Monument

6.0 Relevant Planning History

- | | |
|---------------|---|
| 78/1552 | Change of use from warehouse to museum purposes.
Approved (01/02/79) |
| F/COL/04/1423 | Disabled access via a new opening and lift at street level and disabled WC.
Approved (20/08/2004) |
| 182869 | Full planning application for the conversion of the building from Class D1 (museum) to residential use (Class C3) (nine apartments) with associated demolition works; internal and external alterations; car/cycle parking and bin storage areas and infrastructure works. Approved 26/7/19 |

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
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2a - Town Centre
CE3 - Employment Zones
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR2 - People-friendly Streets
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
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP6 Colchester Town Centre Uses
DP10 Tourism, Leisure and Culture
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
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

- 7.4 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
Affordable Housing
Community Facilities
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Planning Out Crime
Town Centre Public Realm Strategy
Air Quality Management Guidance Note, Areas & Order

- 7.5 Neighbourhood Plan: Not applicable.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:

Adopted Local Plan and Emerging Local Plan Status – March 2021

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan has been examined during April 2021. The Inspector's report is awaited.

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.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website [here](#).

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. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

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 and Section 2 examined 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 the Inspector's report is awaited, the exact level of weight to be afforded will be considered on a policy by policy and 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.

5 Year Housing Land Supply

Section 1 of the Emerging Local Plan was adopted by the Council on the 1 February 2021 and therefore carries full weight.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings ($5 \times 920 + 5\%$).

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

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 Highways Authority states:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions: (full conditions in conditions section):

- Residential Travel Information Packs

- Displaying Public Transport Info for HMOs
- Provision of bicycle parking facilities
- Construction Management Plan
- Standard informatives.

8.3 Anglian Water states that it has waste water and sewerage capacity and suggests a surface water drainage condition.

8.4 Essex County Fire and Rescue Service have raised no objections and state that more detailed comments will be made at the Building Regulations stage.

8.5 Contaminated Land Officer states:

That an updated the Conceptual Site Model (CSM) for the proposed use has been provided and “has confirmed that there have been no additional potentially contaminative uses of the site since the previous assessment. The revised risk assessment concludes that the CSM remains as previously assessed for Planning Reference 182869 by MLM in their ‘*Phase 1 Contamination Assessment*’, *Museum Resource Centre, Colchester, Rev C01, Status S2, Ref. 775712-MLM-ZZ-XX-RP-J-0001, dated 4/12/17*, when it was concluded that, due to the nature of the redevelopment, the lack of significant pollutant linkages and the restricted access for intrusive investigation due to the building constraints, no further assessment was proposed in relation to contaminated land.

Consequently, should this application be approved, Environmental Protection would recommend inclusion of the same precautionary condition as for 182869:

Reporting of Unexpected Contamination

Given the assumed age of the existing building, the applicant should also be advised that an appropriate asbestos survey (in accordance with all of the applicant’s duties under The Control of Asbestos Regulations 2012) must be undertaken for any buildings/part buildings that are to be refurbished or demolished, to prevent creation of any new contamination pathways.

8.6 Historic England “...does not wish to offer any comments.”

8.7 Essex SUDS states

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council’s (ECC’s) adopted Sustainable Drainage Systems Design Guide

- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

The information provided does not allow us to assess the development. Please provide information as required within the new ECC SUDS design guide:

<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

8.8 Environmental Protection recommend the following conditions:

ZPD - Limits to Hours of Work

ZCG - Communal Storage Areas

8.9 Colchester Civic Society state: (precised)

- Make a general observation: relieved to see a new application and proposed use for this important site in the Dutch Quarter conservation area.
- No objection to students living in the town centre in modest numbers in such a building. Mixing students with private apartments does not seem so bizarre when the separate entrances to both areas are appreciated.
- Aware that permission already exists for a plan to convert the building to apartments with the necessary provisions for disabled access.
- Primary concern is with the understated plans for alterations to the windows to all elevations of the buildings. Unfortunate that the significant elevation to Maidenburgh Street has been omitted as this is the most iconic and familiar to those who visit the Dutch Quarter.
- Window design and materials define the visual impact of the building in the historic street scape of both Ryegate Road and Maidenburgh Street and a contemporary solution of replacement would be both injurious and historically inappropriate to this Locally Listed site.
- Steel strapwork design is very much a reflection of the building's history and usage and defines the visual as much as a timber sash to a Victorian terrace.
- Replacement aluminium powder coated windows to a modern Methodist Church or to Council housing are hardly comparable and are hardly justification for potential loss and damage.
- Aware that suitable window manufacturing solutions exist to resolve the needs of comfortable living and the strong local desire for historic retention.
- Re-emphasize concerns with any proposals to replace the " critical " type steel band widows that are the particularly important feature of this building on the west elevation .These reflect the " Arclight Works heritage. Of equal importance are the original windows of the other sides that date from the original Daniels brewery .

- This building and its original detail form an important position in the Dutch Quarter Conservation Area and justify its significance as a Locally Listed Building.
- 8.10 Archaeologist states: “I note that previous permission 182869 attracted a condition requiring a programme of historic building recording and analysis prior to any conversion (Condition 12, but Condition 13 also seems to say much the same). Such a survey has not been undertaken or submitted in support of the current application, and it would be appropriate to carry this condition over to any new consent.”
- 8.11 Transport and Sustainability Officer: Confirms that “there is level access to the cycle parking from Maidenburgh Street and two-step access from Ryegate Road. The level access has been provided from Maidenburgh Street as this is the primary entrance for the Student Accommodation which are the majority occupiers of the building. The visitor cycle parking has been included in this area.”
- 8.12 Natural England comment that the site is in a Zone of Influence and that RAMs mitigation needs to be considered and a Habitat Regulations Assessment undertaken.
- 8.13 Dutch Quarter Association makes the following points:
- Important to retain as many architectural features as possible.
 - Previous application had provision for parking. Currently there are 3 spaces and these should be retained for service provision.
 - Surrounding area is a Controlled Zone with no on street parking. The adjacent Dutch Quarter Residents Parking Scheme has provision for only **111** cars and is vastly over subscribed with **172** permits currently issued which causes many problems. Expect condition that excludes participation in the Scheme.
 - Should avoid noise and disturbance during construction works in this quiet residential area.
- 8.14 Urban Design Officer has made comments about accuracy of plan, light levels for ground floor accommodation, elevation missing, replacement glazing to match, details of window materials required.
- 8.15 Conservation Officer has raised no objections (external alterations as per previously agreed by Conservation Officer).
- 8.16 Private Sector Housing initially did not raise objections and referred to appropriate standards, having discussed them with the agent. However, following further consideration of the plans it is stated “In relation to the amended plans;

Based on the developers comment of; *‘Those labelled Studio within the HMO are self-contained flats with kitchen/cooking facilities and will not share the shared spaces on each level’* - all those labelled ‘Studio Rooms’ (1201, 12061, 2401, 2407, 3508 and 4509) do not meet the required space

standards as set out in the DCLG space standards for new dwellings. I believe this is also adopted into Planning Policy. This is creating undersized self-contained 'micro' flats, and strangely within units of shared HMO accommodation.

Should this view be changed and that the occupants within those labelled 'studios' do have access to the communal kitchen/living rooms, the cooking facilities/kitchenettes should be removed from those labelled 'studios' so that they are not self-contained flats.

In this scenario, the only issue with room sizes is the communal kitchen/living room on the first floor, as it is slightly undersized based on 7 occupants sharing (it's currently 20.4m² and needs to be a minimum of 23m²) as some of the bedrooms are under the required 8.5m² and therefore require a living room."

Other original comments made are as follows:

"These comments are passed direct to the developer because they may fall out of the scope of Planning considerations. However, the comments are made based on possible increased hazards under the Housing Health and Safety Rating System (HHSRS) and action that the Private Sector Housing team could enforce against under Part 1 of the Housing Act 2004.

Alongside meeting all requirements of current Building Regulations in terms of ventilation, energy efficiency, heating, sound insulation, fire detection & protection, Private Sector Housing have the following specific comments;

Flat / Room Sizes

- Each 'whole' flat/dwelling must meet the attached DCLG National Space Standards.

- The proposed student flats/dwellings will be used as Houses in Multiple Occupation (HMOs) and therefore all bedrooms and shared living rooms/kitchens must meet the attached Essex HMO space and amenity standards.

Fire Safety Standards

- As well as meeting the requirements of building control for fire protection / detection between flats and the common escape route. (i.e 60 minutes fire resistance between each dwelling, suitable fire doors and compartmentation) the attached LACORS Fire Safety Guidance alongside the Essex HMO standards documents must be met for each individual HMO unit.

HMO Licensing

Any flat/dwelling used by 5 or more persons, with shared WC/personal washing or shared cooking facilities, requires a Mandatory HMO licence.

Excess Cold, Ventilation and Natural Light

The property has solid, non-cavity walls with very large single glazed windows to the front and side facades. The property will therefore need to be

upgraded efficiently in order to provide suitable residential accommodation.... In line with building regulations, appropriate internal wall insulation, minimum double glazing, and an efficient, cost effective heating system will be required to each flat/dwelling. As part of upgrading the windows, you must ensure that each habitable room is provided with adequate natural light and an openable window for natural ventilation. “

- 8.17 Tree Officer states he is in agreement with the proposed development and the tree report provided: “I am satisfied with the arboricultural content of the proposal...agreement to the landscape aspect of the application subject to condition.”

9.0 Parish Council Response

- 9.1 Non-Parished.

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.

- 10.2 10 letters of objection have been received, raising concerns about the following issues:

- Plans indicate a substantial alteration to the historic facade of the building. In Conservation Area and Dutch Quarter and should be refused unless façade is retained.
- Colchester does not have need for student accommodation. Should show statistical analysis for need.
- Should have plan of West façade to see how window impacted.
- Opportunity for non- transient accommodation.
- No evidence of wonderful windows and heritage being kept.
- Entirely altering the important, characterful and historical front facade with its huge Victorian arched topped windows.
- Please specify that the external appearance of this locally-listed building, with its distinctive glass windows, must be retained.
- Such flats meet lower standards than would be tolerated for permanent residents. Demand for new student accommodation is already met by existing schemes, including that at Magdalen Street and (if it goes ahead) the Alumno development.
- Please therefore ask the applicants to redesign their scheme so that all flats meet the minimum standards for space, etc, required for long-term tenants.
- Room sizes.
- If approved, should condition student accommodation retained for that use.
- Partitions about windows.

10.3 Two letters state:

- Hope at least the facade with its impressive large windows will be kept to preserve part of Colchester's architectural heritage/interest.
- Design & Access statement ambiguous.
- Should supply full details of the design and materials of the proposed Maidenburgh Street frontage for assessment, or it should be a condition of planning approval that this elevation is not altered in any way.

11.0 Parking Provision

11.1 40 cycle spaces

12.0 Accessibility

12.1 The proposal has the ability to comply with the provisions of the Equalities Act in respect of access for the new dwelling.

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 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission are outlined below. Given the increase in unit numbers a proportionate adjustment in the contributions sought is required.

The updated contribution figures will be reported to the Committee following consideration at the Development Team meeting of 22/7/21.

16.0 Report

The Principle of Development and sustainability

16.1 The site lies within the Central Area of the town limits and is in an area defined as Primarily Residential in the Local Plan (Dutch Quarter). The site is within a highly accessible and sustainable location. Accordingly, the proposal is considered acceptable in principle in terms of compliance with adopted local and national planning policy. Policy SD1 aims to support sustainable development, as does emerging Local Plan policy SP1. The proposal also complies with Policy DP6 which aims to maintain a balance between retail and non-retail uses in the Town Centre, including Outer Core. Policy DP6 also

states that within the Town Centre, support will be given to bringing upper floors back into use, particularly for C3 residential purposes and B1 business use. The principle of the conversion of the building has also previously been agreed under application 182869. The latest scheme is somewhat different by introducing HMO units but nevertheless this is again a residential use.

16.2 In terms of National Policies, at the heart of the NPPF is a presumption in favour of sustainable development as outlined in NPPF Para 11.

16.3 A change of use to residential use has previously been agreed. As indicated before, in terms of the loss of the existing use, the planning history indicates that the lawful use of the building is as a museum (Class D1). Whilst it is acknowledged that Local Plan Core Strategy Policy SD3 supports the delivery, retention and enhancement of key community facilities in the Borough in accessible locations, the change of use is considered justified on the basis that the conversion to residential use would bring a redundant building back into a viable use in a sustainable location and would also help to preserve this non-designated asset. In addition, the building has not historically been used as a public museum but was instead to store and conserve items owned by the Colchester and Ipswich Museum Service and as such, it was not open for community use. The previous occupier, the Colchester Museum Resource Centre has relocated to alternative premises within the Borough (in Severalls Business Park), so the use has not been lost, but rather relocated within the Borough. Accordingly, it is not considered the proposal would result in the loss of employment opportunities in the Borough, as concluded on the previous application.

16.4 In conclusion, the proposed 37 units overall lie in a predominantly residential area that is well linked to existing services and facilities. The change of use would assist towards meeting the Council's housing requirement, whilst being consistent with the Local Plan policy approach of focussing new dwellings within the existing urban area. The scheme would also help support the existing town centre uses. The proposal is therefore considered to comply with the abovementioned settlement Policies of the Local Plan and NPPF.

Number of Units and Residential Amenity

16.5 It is not considered that the proposed number of units represents the overdevelopment of the site. Policy DP11 refers to various issues that need to be considered and Paragraph 5.3 lends further support to the principle:

Policy DP11 states that 'Proposals for the conversion and sub-division of existing premises into flats and other self-contained residential units will be considered having regard to the intensity of the use proposed and the accessibility of the location to shops and other services.' The current proposal is considered to be of an appropriate intensity in this central location in very close proximity to a wide range of services. Whilst there are a greater number of units compared to the previous approval, overall floor areas are similar and the building is not proposed to be extended.

- 16.6 Paragraph 5.3 adds to this statement and is of some background relevance by stating that ‘The residential conversion of upper floors over shops and offices within the town centre can increase the stock of small dwellings within a highly sustainable location and may be supported even where the Council’s standard parking and amenity space requirements are not met.’ The proposal does indeed add to the stock of small dwellings. Parking matters are considered below at 16.14.
- 16.7 Whilst there would not be external private amenity space (Policy DP16) this is not unusual for a town centre location. There is public space very nearby in Castle Park. An appropriate living environment will need to be provided for the occupants of the units and Environmental Protection have raised no objections to the scheme. Private Sector Housing however have raised a query relating to room sizes on 6 of the studio units not meeting the required DCLG standards and this has been taken up with the applicant. Any revised details and conclusions reached in this respect will be reported to the Committee. The proposal will of course have to comply with the relevant Building Regulations including room sizes, insulation levels, light levels and fire escape. An informative will be applied to confirm all relevant legislation will need to be complied with. Overall, it will need to be ensured that the proposal would not be contrary to the provisions of Policy DP11 (Flat conversions).
- 16.8 It is not considered there would be any significant detriment to neighbouring residential amenity from the use, including from noise and disturbance or overlooking. Environmental Protection have raised no objections in this respect. This is a Town centre location with a mixture of uses and HMO accommodation, including potential student use is appropriate for such an area. Conditions can be applied to protect the amenity of occupiers of the new apartments.

Impact upon Conservation Area, Locally Listed Building and Nearby Listed Buildings

- 16.9 The building to be converted is a Locally Listed Building that lies within the Conservation Area and is close to the Grade 1 listed Castle (although there is significant intervening vegetation). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires *special regard* to be paid to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires *special attention* to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant adopted Local Plan policies are Local Plan policies ENV1 and DP 14.

- 16.10 Paragraph 194 of the NPPF (2018) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 and 196 deal with substantial harm and less than substantial harm respectively. Where less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is considered that the works proposed within this application constitute less than substantial harm, including in terms of impact upon the Character of the Conservation Area and the setting of Listed Building for the reasons as outlined below.
- 16.11 The proposed alterations are proposed to accord with the previously agreed plans on 182869 that had been amended to omit the originally proposed openings on the main North gable of the building and to retain the majority of the chimney and the existing Crittall and other historic cast iron windows will be retained. As before, the proposed internal alterations are acceptable. Accordingly, the proposal would now preserve the character and appearance of the Conservation Area and the intrinsic significance of the Locally Listed Building itself. As before, external alterations are relatively minimal and, given the distance from the Castle opposite and intervening features including vegetation, there would be no adverse impact of any significance upon the setting of the Castle opposite.
- 16.12 As before, there will need to be a condition applied to ensure that the replacement four windows on the North elevation and the one new window proposed have additional glazing bars in order to ensure they relate satisfactorily to the character of this elevation.
- 16.13 Overall, subject to appropriate conditions, it is considered the proposal complies with Policy DP1 as it respects the character of the surroundings and with Policy DP14 as the character of the Locally Listed Building and Conservation Area will be preserved (and potentially improved) and the setting of the Listed Castle opposite will be unaffected. The proposal will therefore accord with the abovementioned aims and provisions of the NPPF.

Highway Issues

- 16.14 Whilst there is no car parking proposed on the site, a significant level of cycle storage provision is shown and the Highways Authority have raised no objections. This is a highly sustainable town centre location and it is not considered parking provision can be insisted upon, particularly given the nature of the accommodation proposed which includes smaller units than previously approved. The conditions suggested by the Highways Authority can be included, namely the submission of residential travel Information packs, public transport details, bicycle storage provision and a construction management plan. As outline above and of some background relevance, Paragraph 5.3 of the Local Plan states that 'The residential conversion of

upper floors over shops and offices within the town centre can increase the stock of small dwellings within a highly sustainable location and may be supported even where the Council's standard parking {DP19} and amenity space requirements are not met.'

Wildlife Impact

- 16.15 With regard to the wildlife impact of the scheme, bat surveys were submitted on the original scheme dating from June 2019 and these are considered to be adequately up to date, being only 18 months old when this latest application was submitted. The survey confirmed the 'likely absence of a bat roost'. Accordingly, no significant impact upon bat roosts is anticipated. Due to the urban location of the site, the lack of any field signs and the general lack of access to suitable nesting areas, it is considered unlikely that barn owls make any use of the building. It is not considered that other protected species will be affected in any significant way. Wildlife enhancement in terms of provision of bat boxes can be conditioned as before. Accordingly, the scheme complies with Policy DP21 which provides that development proposals should conserve or enhance biodiversity. An appropriate Habitat Regulations assessment has been undertaken.
- 16.16 The site is within a zone of influence of a European designated site and in order to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of recreational impact will be required in accordance with the forthcoming Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This equates to a financial payment which will need to be made before granting of permission.

Trees and Vegetation

- 16.17 As before, an Arboricultural Impact Assessment has been submitted. This indicates that a total of five trees were surveyed. No surveyed trees were considered to be high quality (Category A) with an anticipated useful life expectancy of in the region of 40+ years. Three surveyed trees were considered to be moderate quality (Category B) with an anticipated useful life expectancy of in the region of 20+ years. Two surveyed trees were considered to be low quality (Category C) with an anticipated useful life expectancy of in the region of 10-20+ years. No surveyed trees were considered unsuitable for retention (Category U).
- 16.18 The AIA concludes that of the five trees surveyed, all will be retained and will be protected during the proposed demolition and construction works. Temporary protection measures and briefing for site operatives can be put in place prior to construction on site and the tree officer has raised no objections. Accordingly, it is considered that, subject to appropriate conditions, impact upon vegetation is unlikely to be significant. However, it is considered a condition is required to ensure details of the provision of services is submitted to ensure any impact upon Root Protection Areas is minimised.

Flood Risk and Drainage

- 16.19 The site lies within a Flood Zone 1 area and this is the lowest flood risk area. Accordingly, it is not considered there is an objection on flood risk grounds. Conditions can be applied to secure an appropriate surface water drainage scheme. Subject to compliance with this condition, the proposal would not contravene the provisions of Policy DP20 which covers flood risk and sustainable drainage issues. Whilst the Essex County Council SUDs team have put in a holding objection on the basis that more information is considered to be required to allow assessment, it is considered that a surface water drainage condition is adequate to cover this issue given that this is an existing building within a constrained site and no extension works are proposed. A surface water drainage condition was applied when the previous proposal was approved and that too was for a scheme for residential purposes.

Other matters

- 16.20 The scheme is considered acceptable from an archaeological point of view subject to conditions relating to historic building recording. The proposal would therefore comply with Policy DP14 in this respect which aims to protect the Historic Environment.
- 16.21 The contaminated land officer has raised no objections to the scheme subject to the application of an unexpected contaminated land condition.

17.0 Conclusion

- 17.1 To summarise, the proposed residential accommodation lies in a predominantly residential area that is well related to existing services and facilities and is thus in a sustainable location. The change of use would assist towards meeting the Council's housing delivery requirement, whilst being consistent with the Local Plan policy approach of focusing new dwellings within the existing urban area. This is considered to be an appropriate location for the introduction of Student accommodation and is not considered to represent an overdevelopment of the site. The scheme would represent an appropriate re-use of a redundant building and would also help support the existing town centre uses. The proposal is therefore considered to comply with the abovementioned settlement Policies of the Local Plan and NPPF.
- 17.2 It is considered the proposal would preserve the character of the Conservation Area and Locally Listed Building and would not have any significant impact upon the setting of the Listed Castle opposite. The alterations proposed will essentially be the same as previously approved (albeit fewer in extent), including the retention of the existing important windows. The scheme is **generally** acceptable in terms of the residential amenity of the future occupiers and neighbouring occupiers. **However the points raised by Private Sector Housing in respect of room** sizes on 6 studios will need to be addressed and conclusions reached will be reported to the Committee. It is not considered

that parking provision is required in this highly sustainable Town Centre location and a significant level of cycle provision is proposed. There are also no concerns in terms of wildlife impact, contamination, archaeology, drainage or flooding subject to appropriate conditions.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

Authority to APROVE subject to Completion of a Legal Agreement relating to contributions and receipt of RAMs payment and consideration of any additional comments received as a result of the reconsulation, including from Private Sector Housing and 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 Drawing Numbers: to be confirmed plus Arboricultural Impact Assessment.

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

3. Non Standard condition - 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.

4. Non Standard Condition- Bicycle Parking

The bicycle parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

5. Non Standard Condition- Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement

shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

6. Non Standard Condition- Travel Information Packs

Prior to first occupation of the proposed private development, the Developer shall be responsible for the provision and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7. Non Standard Condition- Public transport Information

The HMO development shall not be occupied until such time as details of public transport facilities (timetables and locations of bus stops etc), walking and cycling being prominently displayed and regularly updated and maintained in perpetuity in public areas within the site including precise detailed programme for such, have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

8. Non Standard Condition - Window retention

The existing windows on the building shall be retained unless otherwise shown (annotated) to be replaced/removed on the approved drawings. Details of any alterations or upgrading shall be submitted to and agreed in writing by the local planning authority prior to any works being undertaken and the works as executed shall be strictly in accordance with the agreed details.

Reason: For the avoidance of doubt as to what has been considered and approved and in order to preserve the character of the Conservation Area and Locally Listed Building.

9. Non Standard Condition - External Joinery Details

Notwithstanding the submitted details, precise details (scale 1:20) of all new and replacement windows, doors and other joinery (including materials and finishes) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to preserve the character of the Conservation Area and Locally Listed Building and as the glazing detail on a number of replacement windows shown on the North elevation will need improvement.

10. ZLR – Works of Making Good

Within 2 MONTH(S) of the works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall

be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

Reason: In order to preserve the character of the Conservation Area and Locally Listed Building.

11. Non Standard Condition - Historic Building Recording

No works shall take place until the implementation of a programme of historic building recording has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

12. Non Standard Condition - Building Recording

Prior to the commencement of any works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works. In this case, a historic building survey should be carried out, by an historic buildings specialist.

13. Non Standard Condition - Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately.

Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of a former brewery and engine house, warehouse, museum storage and preservation, printing works, where there is the possibility of contamination.

14. Non Standard Condition – Asbestos Survey

Prior to commencement of development, a survey for the presence of asbestos shall be undertaken and the findings and potential mitigation works shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation works shall be undertaken in accordance with the submitted details throughout the lifetime of the development works

Reason: There is the possibility of asbestos being present on site.

15. Z00 – Surface Water Drainage

Prior to the commencement of the development details, of the surface water drainage scheme including surface water management strategy to serve the development based on sustainable drainage principles, shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate surface water drainage scheme.

16. Non Standard Condition – Drainage Maintenance

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority. The maintenance plan shall thereafter be complied with.

Reason: To ensure the satisfactory maintenance of the surface water drainage system.

17. Non Standard Condition – Refuse and Recycling Storage

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with the submitted details. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

18. Non Standard Condition – Service Details

Prior to their implementation, precise details of the provision of ground or below ground level services, including locations, shall be submitted to and agreed in writing by the Local Planning Authority. Only the approved details shall be implemented.

Reason: To ensure trees and vegetation is adequately protected.

19. Non Standard Condition – Tree Protection

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

20. Non Standard Condition - Wildlife Mitigation and Enhancements

Prior to commencement of development, precise details of Wildlife Mitigation and Enhancement shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be complied with during the lifetime of the development works, and the Wildlife Enhancements shall be implemented within two months of completion of the development works and thereafter retained as such.

Reason: In the interests of the protection of protected species and to ensure adequate wildlife enhancement.

21 .Non Standard Condition- Communal Storage

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.

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.

19.0 Informatives

19.1 The following informatives are also recommended:

1. Highway Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

2. Building regulations/Fire Safety Access informative

The applicant should note that the proposal will need to comply with the relevant Building Regulations, including Fire safety access.

Flat / Room Sizes

-Each 'whole' flat/dwelling must meet the attached DCLG National Space Standards.

-The proposed student flats/dwellings will be used as Houses in Multiple Occupation (HMOs) and therefore all bedrooms and shared living rooms/kitchens must meet the attached Essex HMO space and amenity standards.

Fire Safety Standards

-As well as meeting the requirements of building control for fire protection / detection between flats and the common escape route. (i.e 60 minutes fire resistance between each dwelling, suitable fire doors and compartmentation) the attached LACORS Fire Safety Guidance alongside the Essex HMO standards documents must be met for each individual HMO unit.

HMO Licensing

Any flat/dwelling used by 5 or more persons, with shared WC/personal washing or shared cooking facilities, requires a Mandatory HMO licence.

Excess Cold, Ventilation and Natural Light

The property will need to be upgraded efficiently in order to provide suitable residential accommodation. In line with building regulations, appropriate internal wall insulation, minimum double glazing, and an efficient, cost effective heating system will be required to each flat/dwelling. As part of upgrading the windows, you must ensure that each habitable room is provided with adequate natural light and an openable window for natural ventilation.

*****It should be noted that the above requirements will need to be met whilst retaining the existing windows in the property.*****

3. Anglian Water Informative

The applicant's attention is drawn to the contents of the Anglian Water letter dated 27.1.21.

4. 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.

5. 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.

6. 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.

