



Application No: 150234

Location: 1-7 Winnock Almshouses, Military Road, Colchester

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **16 April 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Alistair Day

Due Date: 12/05/2015

MAJOR

Site: 1-7 Winnock Almshouses, Military Road, Colchester

Application No: 150234

Date Received: 10 February 2015

Agent: Ms Tracey Skovronek, Purcell

Applicant: Winnocks & Kendalls Almshouse Charity

Development: Proposed demolition of 7 No. Existing Almshouses and construction of 10 new dwellings.

Ward: New Town

Summary of Recommendation: Conditional Approval

7.2 Case Officer: Alistair Day**LISTED BUILDING**

Site: 1-7 Winnock Almshouses, Military Road, Colchester

Application No: 150235

Date Received: 10 February 2015

Agent: Ms Tracey Skovronek, Purcell

Applicant: Winnocks & Kendalls Almshouse Charity

Development: Listed building application for proposed demolition of 7 No. Existing Almshouses and construction of 10 new dwellings.

Ward: New Town

Summary of Recommendation: Listed Building Consent

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because an objection has been received to this application.

2.0 Synopsis

2.1 The key issues explored below are:

- whether the development would constitute sustainable development;
- the impact of the proposed developments on the character and appearance of the area (including the loss of locally listed buildings and the setting of identified heritage assets) and whether the proposal constitutes good design;
- whether the proposal is acceptable in terms the Council's adopted amenity standards; and
- whether the parking proposals are acceptable.

3.0 Site Description and Context

3.1 The application site is located on the south side of Military Road and forms part of a larger site providing a total of 18 units of accommodation for elderly people. The application site comprises four buildings, representing seven units of accommodation, and the old boiler house.

- 3.2 The application site consists of three semi-detached units and one detached unit that date from 1934. The almshouses are built of red brick with tiled roofs in a simple Neo-Tudor style. The buildings have a blue painted timber doors with leaded light windows and black painted ironmongery flanked by a large window with a red brick surround and a red brick gable over. The timber brackets that support the roof over each door are painted white as is the remainder of the joinery. Each building has an inscription stone below one window, recording that the almshouses were funded by George Rose in 1934.
- 3.3 The almshouses are elevated above street level and are accessed either via a set of steps near Nos. 1-2 or along a gently sloping ramp from the northeast corner of the site. The application site is bounded to the north by Military Road. To the east of the site are Winnocks Almshouses beyond which is Golden Noble Hill. The Winnocks Almshouses are listed grade I for their special architectural / historic interest. The main range dates from 1698 and forms a fine example of the almshouses of that period. To the south, a timber boarded fence separates the almshouses from the residential housing beyond. The western boundary is formed by the flank wall of the adjacent properties and boundary walling.

4.0 Description of the Proposal

- 4.1 Consent is sought for the demolition of the 1930s almshouses and the construction of ten new almshouses. It is proposed that two units will remain semi-detached whilst a further eight units will be arranged in an L-shaped terrace of one and two storeys.

5.0 Land Use Allocation

- 5.1 Predominantly Residential

6.0 Relevant Planning History

- 6.1 None directly relating to current proposal.

7.0 Principal Policies

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the adopted development plan comprises the adopted Core Strategy (December 2008, amended 2014), Development Policies (October 2010, amended 2014) and Site Allocations Plan (October 2010).
- 7.2 The National Planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies that 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.

7.3 The Colchester Borough Core Strategy provides local strategic policies and the following policies are most relevant to this application:

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

7.4 In addition, the following are relevant adopted Colchester Borough Development Policies

- DP1 Design and Amenity
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP25 Renewable Energy

7.5 Other material considerations which should be taken into account include the subsequent planning guidance to the NPPF as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended

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

- Backland and Infill
- Community Facilities
- Vehicle Parking Standards
- Sustainable Construction
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing

8.0 Consultations

Archaeological Officer

- 8.1 The comments from the Council's Archaeological Officer are summarised as follows:
- 8.2 This proposal is located in an area of archaeological interest, defined in the Urban Archaeological Database. Based on the known remains recorded close to the site, there is high potential for encountering medieval and early post-medieval occupation remains at this location. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.
- 8.3 There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Historic Buildings Officer

- 8.4 The buildings in question are locally listed, dating to 1934. They are within the curtilage of the grade I listed Winnock's Almshouses, necessitating an application for listed building consent for demolition.
- 8.5 The Winnock's Almshouses form a group with some of the later of Kendall Almshouses and the almshouses on the other side of Military Rd, nos 8-22, all constructed to the same design, now in private ownership. The loose group of buildings adjacent to the historic Winnock's Almshouses has a more limited impact on the street scene than the other groups, partly as a consequence of their rather random placement on the site and partly because of their elevated position, well above street level.
- 8.6 Demolition of locally listed buildings is an unusual step and rarely acceptable in principle unless there are overriding reasons why this should be appropriate. It appears that these are very cramped buildings and that some are suffering structurally, although whether this genuinely makes adaptation of the buildings unviable has not been fully explored. I understand the agent has already agreed to provide this information.
- 8.7 If demolition is agreed in principle then the design of the proposed new buildings is sensitive to the setting of the grade I listed buildings, with the nearest building set back slightly further away from the historic buildings. The end buildings remain single storey, with the central buildings, grouped by the south-western corner of the site, rising to two storeys.

- 8.8 The design appears to retain the arts and crafts-type neo-vernacular character of the existing almshouses, despite the increase to two storeys, although the lack of full elevation drawings makes full comments on design impossible. It is regrettable that the aspiration to keep the spans of the new buildings narrow has resulted in flat roofed rear elements. Retention of some details would assist in tying these new buildings to the other nearby almshouses in appearance: for example the re-use of at least one of the inscription stones from the existing almshouses would be appropriate; the incorporation of a new inscription stone for the new buildings and; replicating the cross detail on the chimneys.
- 8.9 Paragraph 135 of the NPPF requires a balanced judgement to be made having regard to the scale of any harm of loss and the significance of the heritage asset. Given that this would constitute total loss of significance it will be necessary for this to be weighed against other considerations including the quality of the design of the replacement buildings in comparison to the existing buildings, and the impact on the setting of the listed buildings on site.
- 8.10 If the principal of demolition can be established by further justification and the minor amendments to the design incorporated there is no objection to approval of the application.

Tree Officer

- 8.11 The Tree Officer has verbally advised that he is content with the conclusions of the submitted tree survey, arboricultural impact assessment and tree protection plan.

Landscape Officer

- 8.12 The Landscape Officer has confirmed that he is satisfied with the landscape content/aspect of the proposals lodged on 25.02.15. Conditions are recommended once proposals have been agreed and/or as part of any planning consent given.

Contamination Land Officer

- 8.13 The submitted contamination report is acceptable for Environmental Protection purposes. It is noted that some potential sources of contamination have been identified in this initial assessment, and that it has been recommended that further intrusive investigations are undertaken, with the risks to be further assessed accordingly. Based on the conclusions that risks to relevant receptors are likely to be moderate to low, it would appear that the site could be made suitable for the proposed use, with the remaining actions being dealt with by way of condition. Since the potential for the presence of asbestos in existing structures has been identified, it is also advise that an appropriate asbestos survey (and action plan) be undertaken by suitably qualified and experienced persons, prior to the start of any modification or demolition works.

Environmental Protection Officer

- 8.14 Should planning permission be granted Environmental Protection has recommended that a condition is attached regarding hours of works together with the advisory notes for the control of pollutions during construction and demolition works.

Highway Authority

- 8.15 The Highway Authority has raised no objection to this application.

English Heritage

- 8.16 Winnock's Almshouses form an interesting group of buildings, and are themselves only one of a remarkable series of substantial almshouses in this part of Colchester. The main range dates from 1698 and forms a fine example of the almshouses of that period. The red brick, two storey terrace is a distinctive if unlearned essay in the classical style. The seven almshouses which it is proposed to demolish are single storey structures built to a neo-Tudor design in 1934, a continuation of the manner used for similar almshouses built earlier in the 19th century on the other side of the road.
- 8.17 The 17th century almshouses are of high significance, and their special architectural and historic interest is reflected in their listing at grade I. The seven almshouses of the 1930s are not of the same interest and are not nationally listed; but they are recognised by local listing, and they contribute to the setting of the 17th century almshouses and to the interest of the larger group of almshouses.
- 8.18 Approval is sought for the demolition of the seven almshouses and the construction of ten new almshouses. The proposal is motivated in part by the poor structural condition of the buildings, but also by their inconvenience to modern requirements and the applicants' wish to provide new accommodation. The loss of the almshouses would cause some harm to the setting of the 17th century range, and thereby modest harm to its significance. It is for your Council to weigh the loss of these almshouses as locally listed buildings. The proposed buildings are thoughtfully designed in a manner derived from the neo-Tudor of the 20th century buildings. Although greater in scale than the existing structures, their effect on the 17th century range would be limited both by the recessed placing of those closest to it and by the fact that the new buildings at the front of the site would be single-storey.
- 8.19 The National Planning Policy Framework provides policies to secure the conservation of heritage assets, an objective which forms part of the over-riding objective of securing sustainable development (NPPF, 7, 17). Local planning authorities are enjoined, inter alia, to take account of the desirability of sustaining and enhancing the significance of heritage assets, and of the positive contribution such assets may make to sustainable communities (NPPF, 131). Great weight should be given to the conservation of designated heritage assets, harm to the significance of which should require clear and convincing justification (NPPF, 132). Should proposed development entail such harm, local planning authorities should weigh that harm against such public benefits as would be secured by the development (NPPF, 134).

- 8.20 As noted, English Heritage consider that the proposed demolition of the seven 1930s almshouses would cause some harm to the significance of the 17th century range of almshouses, but that harm would be modest. Given the listing of the 17th century range, and the weight to be accorded to the conservation of its significance, the harm arising must be considered in determining this application. It will be for your Council to weigh this against the public benefits to which the application would also give rise, in accordance with the provisions of the National Planning Policy Framework (NPPF, 134).

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 in respect of this application. This objection states that these are listed buildings and can clearly be viewed from the street and as such are a public amenity which should be properly protected. They form part of New Town heritage and should not be demolished.

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

11.0 Parking Provision

- 11.1 No car parking is to be provided as a part of the current proposal.

12.0 Open Space Provisions

- 12.1 Communal private amenity space is to be provided as a part of this development.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and is not considered to generate significant impacts upon the nearby zones.

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a "Major" application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should have been required to mitigate the impact of this development.

15.0 Report

The Proposed Development

- 15.1 The application site comprises four almshouses (three semi-detached units and one detached unit) that date from 1934 and a utilitarian boiler house. The almshouses are built of red brick with tiled roofs in a fairly simple Neo-Tudor style. Consent is sought for the demolition of the 1930s almshouses and the construction of ten new almshouses. The proposal is motivated in part by the poor structural condition of the buildings, but also by their inconvenience to modern requirements and the applicants' wish to provide new accommodation. Two units will remain semi-detached whilst a further eight units will be arranged in an L-shaped terrace of one to two storeys.

Land Use

- 15.2 The application site is identified in the Site Allocations Plan as Predominantly Residential. CS Policy SD1 and H1 promote development in sustainable locations. The NPPF also has at its heart a presumption in favour of sustainable development.
- 15.3 The application site is located in an established residential area in relatively close proximity to the town centre. Given this, and the existing use of the site (residential accommodation for the elderly), there is not an objection in principle to the erection residential dwellings for the elderly on this site.

Heritage and Design Considerations

- 15.4 The Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings and their setting. CS Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic environment. With regard to design, CS Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design
- 15.5 The NPPF states that the core planning principles should be to '*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*'. In determining planning applications, the NPPF advises at paragraph 131 that account should be taken of '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness*'. In weighing applications that affect directly or indirectly non designated heritage assets the NPPF states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 15.6 The 2008 English Heritage (EH) guidance on Conservation Principles, Policies and Guidance is also useful when considering significance, describing a range of '*heritage values*' that may be attached to places.

- 15.7 The application site is located in an area of archaeological interest and there is high potential for encountering medieval and early post-medieval occupation remains. The Archaeological Officer has advised that there are no grounds to refusal of permission in order to achieve the preservation *in situ* of any buried archaeology. However, in accordance with the *NPPF* (Paragraph 141), the Archaeological Officer has advised that any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 15.8 The 1930s Almshouses are located in the curtilage of the 17th century Winnocks Almshouses and, because they pre-date the 1st July 1948, they are afforded listed building protection. The 17th century almshouses are of high significance, and their special architectural and historic interest is reflected in their listing at grade I. The 1930s almshouses are not of the same interest and are not considered to be of listable quality in their own right (i.e. they are not of significant national architectural or historic interest). The almshouses have however been identified as being of local architectural or historic interest (i.e. they are included on the Council's adopted Local List). The 1930s almshouses are also considered to contribute to the setting of the 17th century almshouses and to the interest of the larger group of almshouses that are located in this part of Colchester.
- 15.9 The *NPPF* states that the effect of an application on the significance of a non-designated heritage asset (i.e. locally listed buildings) should be taken into account in determining the application. In weighing applications that affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 15.10 Given the above, an assessment needs to be made of the reasons put forward for the demolition of the almshouses. If the demolition of almshouses is acceptable in principle, the proposed replacement building must be of an appropriate quality and provide public benefit to outweigh the loss of the existing buildings.
- 15.11 Architecturally, the 1930 almshouses are built in a simple Neo-Tudor style and replicate the design of the earlier almshouses on the north side of Military Road. Whilst the front façades remain relatively unaltered, the insertion of plastic windows has had a detrimental impact on the appearance of the almshouse). Rear extensions have added to the almshouses and the interiors have been subject to alteration which has stripped almost all original features from the buildings. Given their plain design and extent of alterations, the 1930s almshouses are considered to have medium to low aesthetic value.
- 15.12 The submitted Heritage Statement assigns the almshouses with a low score for their evidential and associative value and medium score in terms of their group value. The primary association of the 1930s almshouses is with George Rose, the benefactor who enabled the construction of these and other almshouses.

- 15.13 The 1930s almshouses are in a poor condition. There is evidence that they have suffered from structural movement and cracking. The buildings have also suffered damage from water penetration. The poor condition of the almshouses is verified by a submitted structural engineers report. A statement from the Trustees explains that the almshouses are currently vacant and have not been used for some time. The submitted Statement goes on to explain that this is in part due to the poor structural condition of the buildings and the failure of drainage system but is also due to the fact that their internal layout is no longer considered suitable for accommodating elderly people.
- 15.14 The demolition of locally listed buildings is an unusual step and rarely acceptable in principle unless there are overriding reasons why this should be appropriate. In this case, the agent has explained that the 1930s almshouses provide cramped living accommodation and are not fit for purpose as they do not provide the separate bedroom and sitting room required under current standards. Internally the almshouses are also awkwardly laid out so that they are not suitable for wheelchair users. The Charity that owns the almshouses is required to use the site for accommodating older people and cannot use the buildings for other purposes. In view of this, the Charity has two options: namely to refurbish and extend the existing buildings or to build new units of accommodation. The first option would not only be unlikely to resolve the existing problems of poor internal layout but would also compromise the external appearance of the building and in doing so further undermine their aesthetic value. The buildings have also suffered from structural movement and cracking. The cost of underpinning, adapting and extending the 1930s almshouses so that they meet modern requirements would be significant and is not considered a practical or viable proposition. As noted above, the Winnocks Almshouses, form part of a group of almshouses in this part of Colchester. The almshouses that are the subject of this application have a more limited impact on the street scene compared to other almshouses in this group, due to their loose random grouping and due to the fact that they are set back and elevated well above the street. In this instance, given the unique circumstances of this case, it is considered that the principle of demolishing the locally listed buildings can be accepted. A recording condition is proposed as is the reuse of the date stone.
- 15.15 The NPPF states that new development should make a positive contribution to local character and distinctiveness. It is important that the proposed replacement building is of a high quality design both to ensure that it makes a positive contribution to the local street scene and to safeguard the setting of the 17th century almshouses.
- 15.16 It is proposed to build ten units of elderly people's accommodation. Two units (nos. 1 & 2) are located in the north west corner of the site adjacent to Military Road. These buildings are located approximately on the footprint of two of the existing almshouses, are single storey in height and have been designed to echo the form of the existing buildings. The remaining units are arranged in an L-shaped terrace. The Design Statement explains that this terrace has been massed so that the tallest part, with two storeys, is concentrated in the southwest corner of the site, where it will have least impact on views from the road and the setting of the Grade I listed almshouses. The Design Statement also notes that this terrace is articulated so that it reads as pairs of units, similar to the existing buildings, rather than as one continuous terrace. The proposed building is thoughtfully designed in a manner derived from the neo-Tudor of the 20th century buildings. Although the new development is greater in scale than the

existing almshouses, it is considered that their effect on the 17th century almshouses would be limited by both its recessed placement and by the fact that the new building is single storey immediately adjacent to the historic range. The proposed new building is considered acceptable both in terms of the setting of the grade I listed building and in terms of its general design.

Residential Amenity

- 15.17 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. The adopted Essex Design Guide (EDG) provides guidance on the protection of residential private amenity. The EDG explains that privacy can be achieved by remoteness and indicates that where rear facing houses are approximately parallel a rear “eye to eye” distance of 25 metres is required. The EDG goes on to state that where a new house is at right angles to an existing property and there are no windows in the flank, end the new building may encroach up to a metre from the boundary provided this does not create a problem of overshadowing.
- 15.18 The proposed new almshouses have been designed to both safeguard the setting of the listed building and the amenity of the existing residents. With regard to the neighbouring properties, the existing housing to the south of the site (Atlee Gardens) are set on higher ground (approx. 2m) and are located some 8-12m from the boundary of the application site. There is a two storey residential property set perpendicular to the west boundary of the application site. A large warehouse style building (accessed from Military Road) is located on boundary of the north west corner of the site with commercial uses on the ground floor and accommodation above.
- 15.19 The proposed new almshouses are located some 7.2m from the south boundary of the site, creating a minimum back-to-back distance with the properties in Attlee Gardens of 15m. The lower ground levels of the application site combined with the orientation of the upper floor windows in the proposed new almshouses means that the properties in Attlee Gardens will not suffer a loss of privacy by overlooking. The Building Research Establishment’s Report “Site Layout Planning for Daylight and Sunlight 1991 suggests that acceptable daylight in interiors is achieved if a 25° vertical angle from a point two metres above the floor is not obstructed. The relationship between the proposed development and Attlee Gardens will not infringe this guideline. The housing adjacent to the west boundary (Central Park Heights) is set perpendicular to the application site and there are no windows in the flank walls (facing onto the application site). The proposed development is not considered to generate an unacceptable loss of light or overlooking in respect of these properties. The warehouse style building fronting Military Road has a single first floor window located on the flank boundary wall with the application. Whilst the proposed development is set nearer to the boundary than the existing almshouses, the buildings remain single storey in height and, as such, are not expected to have an undue adverse impact on the adjacent property.
- 15.20 The proposed development has the potential to cause noise and dust during the demolition and construction process; it is however considered that conditions requiring the submission of a construction method statement can adequately mitigate any potential adverse effects of this development.

- 15.21 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

Private and Public Open Space Provision

- 15.22 Development Plan Policy DP16 sets out standards for private amenity space however the text accompanying this policy acknowledges that these standards are not always helpful for producing good quality development in compact urban development.
- 15.23 The proposals provide a landscaped communal garden area to the front of the new almshouses and more private areas will be set to the rear of the units. This arrangement is similar to the existing provision and, whilst the current proposal will result in a net increase of three units, it is not considered unreasonable given the constraints of the site and its edge of town centre.

Trees and Landscape

- 15.24 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Central Government guidance on conserving the natural environment is set out in Section 11 of the Framework.
- 15.25 There are a number of trees on the site and a detailed 'Tree Survey and Constraints Plan' has been prepared to inform design proposals. This report notes that the trees are of a mixed condition and age and provide limited amenity benefits. The Council's Tree Officers has reviewed the submitted tree survey and is in agreement with its conclusions. The Council's Landscape Officer has stated there is not an objection to the landscape element of the proposal and that the detailing can be conditioned.
- 15.26 It is considered that the development proposals are acceptable and would accord the Council's development plan and central government guidance.

Transport and Accessibility

- 15.27 Core Strategy and Development Plan Policies seeks to improve accessibility and change travel behaviour as part of a comprehensive transport strategy.
- 15.28 Pedestrian access to the site is currently via a ramped approach and steps from Military Road. The current application does not propose any alteration to the existing pedestrian access arrangements. There is currently no vehicular access to the site and this will remain unchanged.
- 15.29 There is an existing good pedestrian network surrounding the site which is located in close proximity to the existing bus stop in Military Road and the Colchester Town Rail Station

- 15.30 The Highway Authority has confirmed that they do not have an objection to this application. It is considered that any potential highway impacts during the construction period can be mitigated by means of conditions, including the approval of a Construction Management Plan.
- 15.31 Given the above, it is considered that the proposed development would not harm the safe and efficient use of the highway network, and would accord with the guidance of the NPPF, which advises that development should only be refused on transport grounds where the residual cumulative impacts would be 'severe'.

Parking

- 15.32 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location. Development plan policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.33 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided and that for one bedroom units 1 space per unit is acceptable. In addition to this provision visitor parking at a ratio of 0.25 spaces per unit is generally required. The guidance does however state that where development is located within the urban areas with good links to sustainable transport a lower parking standard can be considered.
- 15.34 No parking is currently provided at the Winnock's Almshouse site and no parking is proposed as part of the current application.
- 15.35 The Military Road frontage forms the site's only access onto an adopted highway. It is not considered appropriate to create a new vehicular access onto Military Road - either from a highway perspective or in terms of the impact that this would have on the setting of the grade I listed Almshouses and the street scene in general. The current application will result in a net increase of three units of elderly person's accommodation. Given the above context, the proposal not to provide on-site car parking is considered acceptable in this instance.

Affordable Housing

- 15.36 CS Policy H4 requires housing development over ten units to provide 20% affordable housing. The proposed development is to provide 10 lifetime homes units of residential accommodation for elderly. The accommodation is to be provided by the Winnocks and Kendalls Almshouse Charity and in their supporting statement they notes that "all the properties are occupied at a "rent" which can be paid through Housing Benefit for those who qualify". The Charity also state that they will work with Colchester Borough Council's Choice Based Lettings Scheme to prioritise referrals.
- 15.37 Whilst the proposal does not provide true affordable housing, the scheme will provide housing that addresses a particular housing need within Colchester and, as such, this weighs in favour of the application.

Contamination

- 15.38 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 15.39 The desk top based contamination report accompanying this application concludes that there is potential for the site to contain contamination and on this basis recommends that further investigation work is undertaken. The Council's Contamination Land Officer agrees with the conclusions of the submitted report and has recommended conditions to provide a framework for further assessment, and remediation works.

Air Quality

- 15.40 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration.
- 15.41 The northern part of Mersea Road is located within an Air Quality Management Area (AQMA). The Council's Air Quality Guidance states the designation of an AQMA does not mean that there will be no development allowed within the area [or adjacent to an area], but that greater weight must be given to the consideration and removal of the impacts of any proposed development on air quality.
- 15.42 The proposed development is modest in scale and is not considered to have an adverse impact on local air quality. It is considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the Framework as regards to air quality impacts

16.0 Conclusion

- 16.1 The current application will deliver ten residential units in a sustainable location. There would be economic benefits as a result of construction activity and the possible creation of additional jobs. The redevelopment of this site will also contribute towards the positive regeneration of this part of town and will increase the provision of accommodation for elderly persons. These attributes weigh in favour of the applications. There is also sufficient evidence to be confident that overall the development will not have an adverse impact upon the highway network or the amenity of nearby residents.

- 16.2 A core planning principle of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The 1930s almshouses are of local significance because of their historic and socio-cultural interest and have value as a non-designated heritage value. It is accepted that it is not practical or viable to repair, alter and extend the existing the locally listed almshouses so that they meet the modern requirement of elderly person's housing. The demolition of the almshouses would change the setting of the grade I listed almshouses; however the proposed new scheme has been sensitively designed so as not to have a material detrimental impact on the setting of this building. As such, it is considered that the proposal to demolition to the 1930s almshouses and erect a new 10 unit almshouses would not conflict with national and local policy or the requirements of Planning (Listed Buildings and Conservation Area).
- 16.3 In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts and, the officer recommendation is that planning approval should be granted subject to the suggested conditions.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

- 18.1 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.

19.0 Conditions

Planning Application 150234

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 I 232861 / 201C, 203C, 204C, 205B, 206, 207.

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 the implementation of a programme of archaeological work 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 assessment 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.

4 - Non-Standard Condition/Reason

No works shall take place until samples of the brick, tiles and ridge tiles to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In order to ensure that materials are appropriate to the setting of the adjacent grade I listed Winnocks Almshouse.

5 - Sample Panel

Prior to the commencement of any works a sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the listed building.

6 - Additional Detail on Windows & Doors etc

Prior to the commencement of any works, additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7 -External Joinery to be Painted Timber

All external joinery shall be of painted timber.

Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application.

8 - Non-Standard Condition/Reason

An example of the existing inscription stone shall be preserved on display on the site, in a manner to be agreed in writing with the Local Planning Authority and shall henceforth be so maintained.

Reason: To retain a reference on site to the almshouses proposed for demolition.

9 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

10 - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

11 - Tree and Natural Feature Protection: Protected Areas

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.

12 - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

13 - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

14 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

15 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

16 - *Validation Certificate

Prior to the first OCCUPATION of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in above Conditions.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 - Non-Standard Condition/Reason

The development hereby permitted shall not commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i) Specify the intended hours of working on site during the demolition and construction period;
- ii) The arrangement for the parking of vehicles of site operatives and visitors;
- iii) The arrangement for the loading and unloading of plant and materials;
- iv) The storage of plant and materials used in constructing the development;
- v) Arrangements for ensuring dirt and debris from the site is cleared from the highway; and
- vi) Specify measures to control the emission of dust and dirt during construction.

Reason: To safeguard the amenity of local residents.

18 - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

19 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

20 - Non-Standard Condition/Reason

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no additional windows, dormer windows or other openings shall be formed in the building including the roof(s), without the grant of further specific planning permission from the Local Planning Authority, unless the opening to be formed matches exactly the fenestration pattern, sills, headers, of the original development.

Reason: To safeguard the private amenity of nearby residents from overlooking.

20.0 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.

(3) **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.

Listed Building Application 150235

1 - Time Limit for LBCs

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - Non-Standard Condition/Reason

Prior to the commencement of any works, an appropriate programme of building recording shall be carried out in respect of the buildings concerned. This record shall be carried out by an archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings who shall have previously been agreed, in writing, by the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has previously been agreed, in writing, with the Local Planning Authority.

Reason: To secure the proper recording of the almshouses.

3 - Non-Standard Condition/Reason

The existing buildings that are subject to this application shall not be altered by way of demolition until:

(a) a binding contract for the full implementation of the scheme of redevelopment granted planning permission under reference number 150234 has been entered into; and

(b) all necessary permissions and consents have been obtained; and

(c) evidence thereof shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure 1930s almshouses are only demolished once the implementation of the development approved under application 150234 has been secured.