



The Ordnance Survey map data included within this publication is provided by Colchester City Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

## Item No: 7.2

**Application:** 223138  
**Applicant:** Mr Kenan Karatey  
**Agent:** Mr Steven Mclean  
**Proposal:** Change of use from E(c)(ii) (probation services offices) to create managed HMO rooms.  
**Location:** 23 Ryegate House, Rent Officer, St Peters Street, Colchester, Essex, CO1 1HL  
**Ward:** Castle  
**Officer:** Simon Grady

**Recommendation:** Approval subject to a s.106 agreement.

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Goacher due to the significant concerns raised by residents about the density and quality of the proposed accommodation and lack of adequate parking provision.

## **2.0 Synopsis**

- 2.1 The application seeks planning permission for the change of use of a vacant office building into a House in Multiple Occupation (HMO) with 27 ensuite bedrooms/units. 12 of the units would be for 1 person and 15 for 2 people. The key issues for consideration are the principle of development, design and amenity standards of HMOs, safety, environmental protection, impact on the conservation area, impact on neighbour amenity, provision of parking and private amenity space. All relevant planning issues are assessed in the report below.
- 2.2 Having assessed the application against local and national legislation, policy and guidelines it is considered that the proposed conversion of Ryegate House complies with the relevant local plan policies and the Council's standards for HMOs and is acceptable in all other respects as outlined in the report below.
- 2.3 The application is therefore recommended for approval, subject to conditions and S106 Agreement.
- 2.4 There is no Permitted Development fallback position for creating an HMO from existing office use.

## **3.0 Site Description and Context**

- 3.1 The application site features a detached, three storey post war office building that is currently vacant having previously provided office accommodation to the Probation Service. The building's frontage faces St Peters Street but also has a significant presence on Northgate Street to the rear. There are two trees with Tree Preservation Orders to the front and one to the rear of the site and three parking spaces are provided on the front of the site. The site's southern and eastern boundaries are shared with the town centre conservation area boundary. The site is in Floodzone 1. Evidence based on Google Street view suggests that the offices were still in use in Nov 2020.

## **4.0 Description of the Proposal**

- 4.1 Change of use from E(c)(ii) (probation services offices) to create 27 self-contained, managed HMO studio (ensuite) rooms along with communal kitchens, wash room, cycle store and bin store.
- 4.2 There is little change proposed to the external appearance of the existing building, apart from the addition of doors to the bin store and cycle store. The whole building (ground, first and second floors) would be converted to an HMO with the existing main entrance on St Peter's Street being retained.

Seven studio rooms (each with a private bathroom) and a shared kitchen are proposed on the ground floor along with a wash room, bin store and a cycle store that serve the whole building. The first and second floors comprise ten studio rooms on each floor with a communal kitchen located at each end of the building. The studios are designed in accordance with the Essex HMO Amenity Standards. The rooms for one person include a shower room, space for a single bed, a desk and a small utility area. The rooms for two people include a shower room, space for a double bed, a desk and a small utility area. All rooms have direct natural light. The communal kitchens are designed in accordance with the same countywide standards.

## **5.0 Land Use Allocation**

5.1 The Application Site is not within a Town Centre Allocations site, the town centre Primary Shopping Area nor the town centre Secondary Shopping Area.

5.2 The Application site is shown on the Policies Map associated with the Local Plan adopted in 2022 as part of the 'Middleborough Local Economic Area', and therefore zoned for employment use. However, referring to the employment land evidence base which underpins the Local Plan it illustrates more specifically what this LEA is comprised of and it is apparent that this is a printing error and the Site should not be included within the Middleborough Local Economic Area. This means that Policy SG4 does not apply to the Application site or the surrounding sites also shown on the map as being part of this economic area.

## **6.0 Relevant Planning History**

6.1 The site has previously been granted Prior Approval for a proposed change of use from 3 storey office building to 14 self-contained flats (under application reference 150982). This permission has not been implemented but this does mean that the principle of residential use is established on the site.

## **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 is the Adopted Borough Local Plan comprising a shared Section One plan and Section 2 plan containing Colchester specific site allocations and DM policies as follows below.

7.2 Local Plan 2017-2033 Section 1

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. The Section 1 Local Plan was adopted on

1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

### 7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- DM8 Affordable Housing
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM13 Domestic Development
- DM15 Design and Amenity
- DM16 Historic Environment
- DM19 Private Amenity Space
- DM22 Parking

7.5 The application site is not an "allocated site".

7.6 The site is not located within a Neighbourhood Plan area.

7.7 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
- Sustainable Construction
- Cycling Delivery Strategy

## 8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website. The following stakeholders were consulted:

- Colchester Council's Private Sector Housing Team
- Colchester Council's Environmental Protection Team
- Colchester Council's Historic Buildings and Areas Officer
- Colchester Council's Archaeology Advisor

- Essex Fire Service
- Essex Highway Authority
- Natural England
- Colchester Civic Society

### **Private Sector Housing**

- 8.2 The Council's Private Sector Housing Team (PSH) do not object to this proposal. The floor plans, including the number of and size of the shared kitchens meet the minimum requirements set out in the 'Essex HMO Amenity Standards', which are adopted by CCC. The PSH highlighted some concerns about the design of the kitchens, including provision of waste and recycling bins, fire safety and the potential for Excess Cold hazard (as set out in the Housing Act 2004) due to the type of construction of the application building. The PSH also confirmed that a mandatory HMO Licence will be required. Officer comment: All of the concerns raised by the PSH can be controlled through the HMO licensing regime and planning conditions.

### **Environmental Protection**

- 8.3 Environmental Protection do not object to the proposal. They suggest that noise levels are controlled by condition, the provision of refuse and recycling facilities are controlled by condition and the demolition and construction work should be restricted by condition. An advisory note on the control of pollution during demolition and construction work is also suggested.

### **Historic Buildings and Areas Officer**

- 8.4 Ryegate House is adjacent to a conservation area but is a modern building without any historic or architectural merit. Its interest from a heritage perspective relates to its contribution to the setting of the Conservation Area and the nearby locally listed building. Therefore, the proposed conversion would have a negligible impact on the external appearance of the building and its contribution to its surroundings and as such, there are no heritage considerations for the decision of this application.

### **Archaeology Advisor**

- 8.5 No archaeological issues.

### **Essex Fire Service**

- 8.6 Access for fire service purposes is considered satisfactory and this will be considered further as part of the Building Regulations process. Based on the consultation response from the Essex Fire Service, informatives should be added asking the architect or applicant to contact the Water Section at the Fire Service and even where not required under Building Regulations, a risk-based approach to the inclusion of water sprinklers should be adopted. Officer comment: An informative is suggested.

## **Essex Highway Authority**

- 8.7 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to controlling the following by way of planning condition, should permission be granted: - prevention of unbound materials being used for any parking surfaces, the dimensions of parking spaces meeting adopted standards, recycling/refuse bins being accessible, details of bike storage facilities being submitted for approval, details of public transport services being made available to occupiers of the development and any work affecting the highway being agreed by the Highway Authority.

## **Natural England**

- 8.8 No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

## **Colchester Civic Society**

- 8.9 The Colchester Civic Society would prefer that Ryegate House be demolished due to its visual impact on the conservation area but recognise that they are unable to oppose the application on any grounds other than its inappropriate addition to these residential streets.

## **Contaminated Land**

- 8.10 Given the apparent age of Ryegate House, Environmental Protection raised concerns about the presence of asbestos in the building and the internal photos of the building submitted with the planning application show what looks like tags from a previous asbestos survey. The current occupiers of the building did not have access to the survey so they commissioned a new survey. Any action required will be dependent upon the findings of the asbestos survey and any action arising could be controlled via a condition prior to determination of the application.  
Officer comment: Asbestos is not strictly a planning matter but controlled under other legislation.

## **9.0 Parish Council Response**

- 9.1 The site is not within a Parish Council area.

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. Approximately 40 objections have been received from individual members of the public and local groups such as the Dutch Quarter Association following the consultation process. 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.
- Lack of parking for occupiers
  - The HMO will attract anti-social behaviour such as noise, littering vandalism, criminality and drug taking.
  - The area will be / feel less safe

- Neighbour amenity would be harmed due to overlooking and light pollution
- The use is not in-keeping or in character with the surrounding area
- The use will put a burden on local services and infrastructure
- Will add further pressure on parking space on street
- Unattractive building should be demolished not converted

## **11.0 Parking Provision**

11.1 The number of spaces provided on site would meet with the relevant parking standards and the Highway Authority have raised no objections. The site is in a highly sustainable, urban location with good public transport links and public car parks close by. The site's former use as an office may well have generated more vehicular movement demand than the proposed use. Accordingly, it is not considered that parking provision can be insisted upon or that the proposal could be refused having regard to policy DM22. There is a parking permit scheme in the vicinity for local residents, but it is understood that demand for the spaces cannot currently be met. There is provision for cycle storage within the proposed scheme. A travel information pack can be conditioned. See parking assessment in the report below.

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does comply with this statutory obligation.

For all CBLP allocations the accessibility standard for 10% of market housing and 95% of affordable housing should meet Building Regulations Part M4 Cat 2. 95% (excluding upper floor dwellings). 5% of affordable housing should meet Part M4 Cat 3 (2) (b) as set out in Policy DM12 (vi).

Please also refer to accessibility standards requested by affordable housing strategy at Development Team for scheme specific details. Whilst the existing building is not served by a lift and upper floors would thus not be accessible to those with restricted mobility; nevertheless, the ground floor accommodation could potentially be wheelchair accessible subject to appropriate door widths and room layouts etc. These are matters which may be secured by condition. On this basis, the scheme would comply with our accessibility standards and would provide equality of access to the ground floor accommodation. It is frequently not possible for fully accessible accommodation to be secured to all floors of existing buildings and this is an existing situation with Ryegate House.

## **13.0 Private Amenity Space Provisions**

13.1 There is a modest amount of private amenity space provided to the rear of the site located between the building and the footway running along Northgate Street. This provision is addressed in the assessment below. The site is located in very close proximity to Castle Park and the riverside walk.

## **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. The developer contributions that would be secured via s.106 agreement as part of any planning permission would be:

- **Community - £9,120.11:** St Peters Church and Church Hall. Redevelopment of church and church hall Phase 1 will equip the Church with redecorated spaces, new kitchen and toilet facilities, café-style tables and chairs, energy-efficient lighting, and a heating system, providing sorely needed facilities for groups. Phase 2 will be to repair/refurb or rebuild church hall which is currently unusable due to roof collapsing. Phase 1 - Estimated cost £250K.
- **Transport - £11,522:** Provision of a Colchester Car Club car, space and charging and marketing etc - likely to be around £28,000. Financial Contribution + provision of onsite car parking space and electric Charging Unit.
- **Parks and Recreation – Total £20,825.60:** Ward Project 65% - £13,536.64 Castle Park Access and footpath improvements. City Project 35% - £7,289.03 Improvements to Leisure World Swimming facilities.
- **RAMS – Total payment of £1,511.45 has been made.** This equates to 27 units multiplied by £136.03 per unit, divided by 2.43.
- **Unilateral Undertaking payment of £900.00 has been made.** This covers the legal costs and monitoring fee for drafting the UU under s.106 of the Act.

## 16.0 Report

16.1 The main issues relating to this application are:

- The Principle of Development
- Design and HMO standards
- Impact on the Surrounding Area (including conservation area)
- Impacts on Neighbouring Amenity
- Tree Protection
- Parking Provision (including Cycling)
- Private Amenity Space Provision
- Sustainability and Climate Change Mitigation
- Other Matters

## Principle



16.2 The principle of residential use at this site was established through the approval of the Prior Approval application 150982 for a proposed change of use to 14 self-contained flats. The site is located in a predominantly residential area in the Dutch Quarter close to a major town centre hotel.

16.3 The site lies within the settlement limits of Colchester Town and is not within the town centre policy area (central area) although within easy walking distance of the railway station. It is defined as a predominantly residential area on the Local Plan Proposals Map. Accordingly, having regard to settlement policy SG1, which aims to direct residential development to sustainable locations, which this site is, the proposal should be judged on its planning merits. It is not considered an objection can be raised to the loss of the site for office / employment purposes. It is not within the defined town centre and would thus not conflict with Policy TC1, which offers more policy protection to retail units in the town centre. In addition, conversions should not result in unsatisfactory living conditions for future residents, which is addressed below.

### **Design and HMO standards**

16.4 Adopted Plan policies DM12: Housing Standards and DM15: Design and Amenity are both relevant to the consideration of the proposals (in addition to the adopted HMO standards).

16.5 Policy DM12: Housing Standards requires a high standard of design and layout to be provided in all residential development. As confirmed by the Council's Private Sector Housing team (outlined above) the design and layout of the proposed HMO meets the relevant living and amenity standards. The design and layout is therefore considered to be acceptable on its merits. The Essex Fire Service has recommended the building is fitted with a sprinkler system and this should be added as an Informative should be planning permission be granted. Part (x) of DM12 only requires sprinklers to be provided where the building is 4 or more stories in height. This proposal comprises a three-storey building. It is consequently not considered reasonable to require the provision of sprinklers, but this will be recommended via an Informative.

Policy DM12 Part (ii) Requires acceptable levels of daylight to be provided to all habitable rooms. In this case, as well as meeting the adopted standards for room sizes, there is adequate natural light in every bedroom with at least 2 external windows serving every room.

DM12 part (iv) requires a management and maintenance plan to be prepared for multi-occupancy buildings in order to secure the future maintenance of the building and public areas. This can be secured by appropriate planning condition.

DM12 Part (viii) Requires an accessible recycling and refuse area together with an outdoor drying area to be provided. An appropriate refuse/recycling area is shown on the ground floor plan as proposed. There is no outdoor

drying area however given the urban location of the development in an existing building this is not considered possible or practical in this instance.

DM12 Part (vii) requires parking provision in accordance with parking standards referred to in Policy DM22. This matter is discussed further – please see below. Given the highly accessible and central city centre location, this is not considered practical or feasible to provide extensive parking. Parking demand needs to be considered in comparison with the existing lawful use as an office.

16.6 Policy DM15 Design and Amenity requires that all development must be designed to a high standard. As this is an existing building with the changes proposed being principally internal, the proposals are largely neutral in terms of design. In terms of amenity Part (V) requires development to protect and promote public and residential amenity. Many objections have been received on the grounds that the scheme will prejudice local amenities and promote anti-social behaviour. The Councils Private Sector Housing Team and Environmental Protection have not raised any objections on these grounds and confirm that the description of the proposed accommodation as a 'managed HMO' within the planning description is appropriate. There is no evidence that the proposed managed HMO would proliferate inappropriate behaviour simply on the basis of the type of accommodation provided.

### **Impact on Surrounding Area**

16.7 There are only minimal proposed changes to the external appearance of the existing building and so there are no concerns in this respect. As confirmed by the Council's conservation officer, with only minor changes to the external appearance, there are no heritage related concerns with this proposed change of use.

16.8 Concerns were raised by some of the objectors about the impact that this change of use would have on the character of the surrounding area. It is considered that this residential use is in-keeping with the area as it is surrounded by other residential uses including flats and dwellings on all sides.

### **Impact on Neighbour Amenity**

16.8 There is no additional built form proposed with this change of use application and consequently there are no concerns that this proposal would have a harmful impact on the neighbour amenity in terms of appearing overbearing, overshadowing or causing a loss of light or sunlight.

16.9 In terms of privacy, no new windows at first floor level or above are being proposed and the change of use is not considered to bring any changes to the level of overlooking when compared to its current use of the site as office accommodation.

16.10 Some of the concerns raised by the objectors to this application concern the potential for additional noise and anti-social behaviour being generated by the occupiers of the proposed development. It would not be fair and reasonable to assume that the residents of the site will generate more noise than say, the residents of the flats that were given approval in 2015. If any noise nuisance were to occur, then there are effective remedies to deal with this through Environmental Protection and Policing and it is considered inappropriate to seek to control this through the planning process by refusing this application on the grounds of potential noise nuisance. The HMO would be subject to management and licensing and this gives greater reassurance that the use is compatible with this location. There is no evidence to sustain the view that a managed HMO would give rise to antisocial behaviour.

### **Trees**

16.11 With no additional built form proposed and therefore no associated groundworks or changes to the parking arrangements, under or close to the protected trees, it is considered that this proposed change of use would not have an impact on the 3 protected trees on the site.

### **Parking Provision**

16.12 Local Plan Section 2 policy DM22: Parking states that *“In appropriate circumstances, namely urban locations served by sustainable travel options and alternative car parking spaces in public/communal facilities within approximately 400m, parking standards may be relaxed or car-free development may be acceptable in order to reflect accessibility by non-car modes, and/or to enhance the character of sensitive locations.”*

16.13 The site is in a highly sustainable location with town centre car parks within 400m from the Application Site. The highway authority did not raise any concerns about the parking provision. The adopted parking standards refers to the need to provide parking for staff not for residents of hostels, which is taken to reasonably concern HMOs as well.

16.14 The Council's Transport and Sustainability Team has requested a contribution towards the Colchester car club, which will help expand and support the emerging Colchester car club network which is being funded by secured S106 contributions and Defra funding.

16.15 Provision of secure cycle parking (one space per unit) is incorporated into the layout of the ground floor of the site. The level of cycle parking provision is considered acceptable subject to agreement of the details of the racking to be used. These details should be requested for approval prior to first occupation of the accommodation via a condition, should permission be granted.

### **Private Amenity Space**

16.16 Local Plan Section 2 Policy DM19: Private Amenity Space states that the area of amenity space should be informed by the needs of residents and the accessibility of the location. A limited amount of outdoor space is being provided on site and a 'wash room' would be provided on the ground floor of the site for washing and drying clothes. The level of provision complies with the HMO standards and in this urban context it is considered that the amenity space provided for the 27 HMO units is acceptable particularly given Castle Park is close to the site (approximately 100m away), which offers a significant amount of outdoor space for recreation and exercise.

## **Sustainability and Climate Change**

16.17 The reuse of Ryegate House for residential accommodation is in line with the Council's sustainability agenda. Reuse of the existing building serves to sequester the existing embodied carbon where as redevelopment would add to carbon emissions. The proposal is thus inherently sustainable and low carbon.

## **5 Year Housing Land Supply**

16.18 Whilst the Council can demonstrate a 5 year housing land supply, the Local Planning Authority recognises the important contribution can HMO's make to the provision of smaller and more affordable dwellings in the Borough, particularly in urban areas where demand for such units are at their highest. Policy DM10 states a range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities.

16.19 Section 1 of the Colchester Local Plan 2017-2033 was adopted by the Council on the 1 February 2021, with Section 2 being adopted in July 2022. The complete Local Plan carries full statutory weight as the development plan. 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.

16.20 The Tendring Colchester Borders Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

16.21 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 x 920 + 5%).

16.22 The Council's latest published Housing Land Supply Annual Position Statement (July 2022) demonstrates a housing supply of 5,074 dwellings which equates to 5.25 years based on an annual target of 920 dwellings (966 dwellings with 5% buffer applied) which was calculated using the Standard Methodology. This relates to the monitoring period covering 2022/2023 through to 2026/27.

16.23 In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan the adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

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

## **17.0 Planning Balance and Conclusion**

17.1 The principle of residential use of the Application Site has been established through the granting of prior approval for Ryegate House to be converted to flats. This is a material consideration. The proposed design and layout of the development complies generally with the relevant Development Plan policies and there are no material considerations identified to indicate that the application should be refused for the reasons set out above. The proposal is considered to represent sustainable development.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a s.106 legal agreement (UU) within six months from the date of this committee meeting. In the event that the legal agreement is not signed within six months, to delegate authority to the Lead Planning Officer to refuse the application, or otherwise to be authorised to complete the agreement. The permission will also be subject to the following conditions, for which delegated authority is requested to add to or amend as necessary:

1. 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. The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1645/LP/01, 1645/P/01 Rev P1, 1645/P/02, 1645/P/03 and 1645/P/04.  
Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. The external facing materials to be used shall be those specified on the submitted application form and drawings.  
Reason: To ensure that materials are of an acceptable quality appropriate to the area
4. 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.
5. Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. 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.
6. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.  
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety
7. The parking spaces / vehicular hardstandings shall each be constructed to minimum dimensions of 5.5m x 2.9m and retained thereafter.  
Reason: To encourage the use of off-street parking, in the interests of highway safety
8. Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 10m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.  
Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety
9. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants and visitors to that development, of a design that shall be approved in writing with the Local Planning Authority. 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
10. The development shall not be occupied until such time as details of public transport facilities (Taxis, timetables and locations of bus stops

etc), walking and cycling being prominently displayed in public or communal areas and regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

11. Notwithstanding the detailed layouts shown on the approved floor plans, the ground floor bedrooms shall be designed to be fully wheelchair accessible insofar as possible in accordance with a detailed scheme to be submitted and in writing by the lpa agreed prior to first occupation of the development.

Reason: To ensure that the accommodation provides for accessible units for those with impaired mobility in accordance with policies DM10 and DM12 of the adopted CBLP 2017-2033

12. Prior to first occupation of the development hereby approved a management and maintenance plan for the building and public areas shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detailed management proposals as shall have been agreed shall thereafter continue to be implemented in perpetuity.

Reason: To ensure the future maintenance of the building and external areas as per Local Plan Policy DM12 (iv).

## **Informatives**

A Mandatory HMO License will be required. The HMO licence will place permitted occupancy levels and conditions in relation to the management of the HMO property. An application can be submitted on our website.

The floor plans, as depicted, meet the minimum requirements within the document 'Essex HMO Amenity Standards'. The kitchens will need to meet the specific amenity requirements set out on page 5, based on the number of proposed occupants. Based on the plans, the physical kitchen room sizes meet the minimum to be used as a kitchen with double facilities, for a maximum of 10 persons per kitchen. However, this is dependent on suitable design of the kitchen to ensure adequate storage, preparation and cooking of food for the number of persons. Appropriate waste and recycling bins will need to be provided within each kitchen prior to disposal in the bin storage area.

The conversion must be in line with current building regulations and Essex Fire and Rescue Service should also be consulted. The LACORS Fire Safety Guidance document must be met, that includes a minimum of 30 minute fire and smoke protection between each individual bedroom/kitchen, and between each individual bedroom/kitchen and the emergency escape route. For this HMO, a Grade A, LD1, Fire Alarm and Detection Panel System, 30 minute fire doors (FD30S) throughout and Emergency Lighting would be required.

The property has cavity walls, single glazed windows and a flat roof – consideration needs to be given to a possible Excess Cold hazard under Part 1 of the Housing Act 2004. Improvement such as cavity wall insulation, roof insulation, double glazing and an appropriate heating system must be considered. Please note compliance with building control approval alone may not be enough to eliminate an excess cold hazard.

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](mailto:development.management@essexhighways.org).

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

A Mandatory HMO License will be required. The HMO licence will place permitted occupancy levels and conditions in relation to the management of the HMO property. An application can be submitted on the Council's website.

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.

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.

### **Positivity Statement**

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.