

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the owner of the land is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the policy principle, impact on Heritage assets, residential amenity, highway safety, wildlife, contamination, archaeology, drainage and flooding. The matters are explored in the report.
- 2.2 The application is subsequently recommended for approval. The application site is located in a predominantly residential area that is well linked to existing services and facilities and is thus in a highly accessible and sustainable location. The change of use would assist towards meeting the Council's housing needs requirement, whilst being consistent with the Local Plan policy approach of focusing new dwellings within the existing urban area. The scheme would represent the sustainable re-use of a redundant historic building and would also help support the existing town centre uses. It would not represent an overdevelopment of the site. The proposal is therefore considered to comply with the abovementioned settlement Policies of the Local Plan and NPPF.
- 2.3 It is considered the proposal would preserve the character and appearance of the Conservation Area and Locally Listed Building and would not have any significant impact upon the setting of the grade I listed Castle opposite. The scheme is considered acceptable in terms of the residential amenity of the future occupiers and neighbouring residents. The scheme is considered to provide for adequate parking in this Town Centre location and would not be detrimental to highway safety. There are also no objections raised in terms of wildlife impact, contamination, archaeology, drainage or flooding.

3.0 Site Description and Context

- 3.1 The site lies within the Colchester Conservation Area No.1 (Town Centre) and defined settlement limits boundary. It is located between Ryegate Road and Maidenburgh Street, within Colchester's historic town centre and Dutch Quarter. It is surrounded by predominantly residential properties along Maidenburgh Street and Ryegate Road. Colchester's High Street is located approximately 100m away to the south of the site. To the east of the site is Colchester Castle, a Grade I listed building and Castle Park, a Grade II registered park and garden.
- 3.2 The existing building to be converted dates from the later nineteenth century and is included in the Local List of buildings of architectural and historic interest and is an undesignated heritage asset. It is a part five storey, former factory building constructed mainly in facing red brick with large 'Crittall' steel windows, under a pitch tiled roof with a later added concrete extension. The building is 'T' shaped in plan form and has had several structural additions since it was originally built in the 19th century.

4.0 Description of the Proposal

- 4.1 The application is for the conversion of the Former Museum Resource Centre to accommodate nine apartments with associated parking. New additional parking spaces are proposed at basement level to serve the residents, whilst the existing parking area adjacent to the building will be retained.

The works involved include:

- ☐ Replacement and new windows on the northern elevation
- ☐ Removal and replacement of roof lantern;
- ☐ Demolition of single storey extension on the southern elevation to facilitate new vehicular access;
- ☐ Removal and infill (with matching brickwork) of existing doors on eastern elevation;
- ☐ Insertion of new painted timber sliding doors at ground floor level on northern elevation;
- ☐ Replacement of masonry wall structure along the eastern boundary;
- ☐ Creation of new access on southern elevation leading to basement parking;
- ☐ Removal of an existing chimney stack; and
- ☐ Internal works to accommodate the new dwellings.

Included within the submission are the following:

- ☐ Drainage strategy;
- ☐ Archaeological desk-based assessment;
- ☐ Arboricultural assessment;
- ☐ Bat and Barn Owl survey report;
- ☐ Phase 1 contamination assessment;
- ☐ Heritage Statement; and
- ☐ Structural report.

5.0 Land Use Allocation

- 5.1 Settlement Limits
Conservation Area
UAD Monument

6.0 Relevant Planning History

- | | |
|---------------|--|
| 78/1552 | Change of use from warehouse to museum purposes.
Approved (01/02/79) |
| F/COL/04/1423 | Disabled access via a new opening and lift at street level and disabled WC.
Approved (20/08/2004) |

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- CE1 - Centres and Employment Classification and Hierarchy
- CE2 - Mixed Use Centres
- CE2a - Town Centre
- CE3 - Employment Zones
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP6 Colchester Town Centre Uses
- DP10 Tourism, Leisure and Culture
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Community Facilities
Sustainable Construction
Cycling Delivery Strategy
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Planning Out Crime
Town Centre Public Realm Strategy
Air Quality Management Guidance Note, Areas & Order

- 7.5 The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Conservation Officer states (Precised/Summary):

1.0_Heritage Asset: Summary of Significance

1.1 14 Rygate Road is included in Colchester's adopted Local List, with the following description: *"Former factory, now offices. Up to four storeys. Mainly red brick. Originally Daniell's Brewery (Castle Brewery), acquired by E.N. Mason & Son in 1921 as premises for their Arclight works and reconstructed by them. Arclight drawing office equipment and machinery had an international reputation and this building is an important survival from Colchester's industrial past. Dates*

of alterations needs research. Building appears on the 1875 OS map but not apparently on Monson's map of 1848. The four-storey block which extends from front to back appears to date between 1876 and 1909 according to map evidence. This might be a rebuild dating to 1901: see ERO D/B 6 Pb3/1554 (but not checked). Ref. in 'Essex', Pevsner/Bettley 2007, p 288."

- 1.2 The building is situated in an area of great heritage significance: within the limits of the designated Colchester Conservation Area 1 and in close proximity to the boundaries of the Scheduled Monument "Colchester Castle and the Temple of Claudius" (List Entry no 1002217), Colchester Castle Park, a Grade II Registered Park (List Entry No 1000208), the Grade II listed Sun Inn (UID 1123553) and the locally listed Roger Browning House and 6 Maidenburgh Street.
- 1.3 The submitted Heritage Statement provides a satisfactory record of the building's development and present condition, as well as an assessment of its heritage values and examination of the proposals' impact on these values. The report concludes that the building has historic value as a non-designated heritage asset that forms part of Colchester's industrial history. Its past use is expressed by its distinctive form, appearance and character which makes a noteworthy contribution to the townscape and the Conservation Area. Its interior has been considerably altered since its original use, although the document identifies some interesting features that are indicative of the building's age and former use and worth of preservation.

Analysis of Impact Upon Heritage

- 4.1 The scheme that will bring back to full use this historic building, securing its future preventing its further decay that also reflects on its setting, is welcome. The proposed works for the conversion include internal and external interventions. As the Heritage Statement points out, the interior of the building has been considerably altered since its original use. Therefore the internal works should not raise any concerns as they mainly involve removal of partition walls and replacement with new ones, to create the new apartments, leaving the majority of structural walls and elements....
- 4.2 Due to the building's distinctive appearance that expresses its past use and its location in a sensitive area, the proposals for exterior interventions have greater impact on heritage. The overall approach does not involve considerable changes in the building's mass and form, leaving its character and appearance largely unaltered. The most notable interventions include the remodelling of the Ryegate façade to include a new garage door, the removal of the chimney stack from the south elevation and the addition of a window range and a garage door to the north elevation.
- 4.3 The refurbishment of the Ryegate façade could enhance the building's setting but also use a treatment that will reference the building's industrial use. The choice and design of the sliding door and the signage above it are key elements for a successful approach that will suit the character of the building and will improve the street frontage.
- 4.4 The removal of the chimney stack from the south elevation is a notable change to the building. The purpose of this intervention is to accommodate the insertion of a new garage access to the basement. However, it could be argued

that only the lower part of the chimney stack could be removed and the upper part left in place....

4.5 Further concerns involve the interventions on the north elevation..... As the Heritage Statement notes, this elevation is an imposing and dominant element of the townscape. Although not particularly attractive, it is exactly its dimensions and the lack of openings that distinguish the former industrial building by the surrounding residential development. The addition of windows on this elevation attributes a more domestic character to that area of the building, whereas at present the combination of the blank multi-storey-façade and the largely glazed east elevation form a very distinct built form that expresses the building's past. More importantly, the insertion of the windows does not appear sufficiently justified, as they serve spaces that already receive sufficient light, ventilation and view to Castle Park by the remarkably sized Crittall windows of the East elevation.

5.0_ Compliance with relevant policies

5.1 The application includes a satisfactory record of the building's development and assessment of its significance to meet the requirements of NPPF's Par. 189 and 190. The scheme proposes a viable use for the building consistent to its conservation, as required by Par. 192(a), while the development is not expected to have any adverse effect on the Conservation Area and the nearby heritage assets, complying thus with Par.193. there are some aspects of the proposals, as discussed in Section 4.0, that are expected to cause a level of harm to the building's appearance and character and require a better justification, according to NPPF's Par.197, while some of the impact can be mitigated by a suitable treatment and amendment of the proposals.

6.0_ Conclusions and recommendations

6.1 The planning application seeks permission for the change of conversion of 14 Ryegate Road, now only partially in use by the Colchester Museum Service, into residential units. The scheme that ensures the building's future by putting it into a viable long term use is welcome, given that the overall approach of the conversion is sympathetic to the non-designated heritage asset, proposing reasonable interventions to the fabric and retaining the character and appearance for the former industrial building.

6.2 However, certain aspects of the proposals that raise concerns from a heritage perspective have been identified and it is recommended that these issues are addressed before a decision is made in respect of the application.

6.3 Further recommendations include the retention of the building's fenestration, as indicated in the proposals, since the Crittall windows are a key element of the building's character and significance, along with other details of the elevations worthy of preservation, most notably the entrance doors on Maidenburgh Street and Ryegate Road.

Officer comment: [The amendments mentioned above have now been received.]

8.3 Urban Design Officer: (Summary)

- The proposal for 8 additional parking spaces is contentious given the only means of access (uniquely for the Dutch Quarter) is via High Street which is currently being considered for possible pedestrianisation and then via Museum Street (most likely) or Castle Baily, both very narrow, shared streets and primary visitor walking routes.
- Considering the town centre location, my preference would be for a car free scheme. This would allow for increased unit numbers including a possible extension.
- Windows and a garage on the northern-most elevation lend this blank façade welcome active frontage though appear crudely applied in response to the historic context, the terrace of buildings still appears incomplete and would scupper the potential to extend (and complete) the terrace of buildings in the future to the north.

8.4 Archaeologist:

Has recommended two conditions:

1: "No works shall take place until the implementation of a programme of historic building recording has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority....

2: Historic Building recording..."

8.5 Tree Officer states: "update tree report and make approved document."

8.6 Environmental Protection state: "Should planning permission be granted be Environmental Protection wish to make the following comments: -

NOTE: Demolition and Construction

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.

Having read the contamination assessment environmental protection would agree that an asbestos survey should be carried out.

Environmental Protection would recommend the inclusion of electric vehicle charging points in all dedicated parking bays."

8.7 Contaminated Land Officer states:

"I note that the above has been submitted in support of this application and that it has been concluded that, due to the nature of the redevelopment, the lack of significant pollutant linkages and the restricted access for intrusive investigation due to the building constraints, no further assessment is proposed in relation to contaminated land.

Consequently, should this application be approved, Environmental Protection would recommend inclusion of the following condition:

Reporting of Unexpected Contamination"

"As recommended by MLM and as confirmed by my colleague, David Martin, an asbestos survey will be required for any buildings that are to be refurbished."

8.8 Essex SUDS team state:

As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

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

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this is not a major application and therefore we shall have no further comments accordingly in relation to this application.

However please consider the following conditions/informatives if relevant for the development;

Conditions (precised)

- 1) Surface Water Drainage** - Prior to the commencement of the development
- 2) Sustainable Urban Drainage-**
- 3) Maintenance**
- 4) Flood Risk Assessment -**
- 5) Flood Risk Assessment 2 -**
- 6) Flood Mitigation Measures -**

8.9 Highway Authority states:

REVISED DRAWINGS DATED 01 MARCH 2019 AND SWEPT PATH DRAWINGS DATED 06 MARCH 2019.

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

1 The development shall not be occupied until such times as the off-street car parking facilities have been provided in accord with the details shown in the revised drawings. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

2 Prior to the first occupation of the proposed development, the proposed vehicular accesses shall be provided with an appropriately constructed connection to Ryegate Road to the specifications of the Highway Authority.

3 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

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

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

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

6 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.

Informative1: The swept path analysis drawings provided, demonstrate that ingress and egress manoeuvres by motor cars can be made efficiently and conveniently at some parking spaces however, it is clearly shown that these manoeuvres at other spaces maybe problematic especially for larger cars and great care will be required by drivers whilst manoeuvring. It is also noted by the Highway Authority that membership of a nearby car club will be provided to the residents of all these dwellings which may negate the need to own a motor vehicle in the Town Centre of Colchester.

8.10 Private Sector Housing

Individual escape routes. There are a couple of flats (above the first floor) where bedrooms are accessed off an open plan kitchen area which is accessed off an entrance lobby; in affect, inner rooms. Is there a fire risk assessment or strategy for these as egress windows can't be used?

Secondly, the escape route specifically runs past the kitchen area (highest risk). Could the layout be altered so to be safer?

Windows. Are the windows going to be upgraded to double glazed? Some of the west facing windows a very large and could be subject to Excess Cold. Are the properties going to have gas fired central heating to better tackle this.

Ground floor flat. Very small compared to all the others... the Social element of the application I would imagine? Anyway, this basement flat is lower than the outside pavement and has a huge window area; again, potential Excess Cold if not addressed significantly. Hopefully, bearing in mind the latter two points, electric heating will not be used; may be cheaper to put in, but it will be expensive for the occupiers to combat the above issues.

9.0 **Parish Council Response**

9.1 Non-Parished.

10.0 **Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website.

11.0 **Parking Provision**

11.1 9 car parking spaces are proposed.

12.0 **Accessibility**

12.1 In accordance with Policy DP17 it is considered that the development has the potential to provide the required accessibility under the Equalities Act.

13.0 **Open Space Provisions**

13.1 N/A

14.0 **Air Quality**

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

15.0 **Planning Obligations**

15.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

The Principle of Development and sustainability

- 16.1 The site lies within the Central Area of the town limits and is in an area defined as Primarily Residential in the Local Plan (Dutch Quarter). The site is within a highly accessible and sustainable location. Accordingly, the proposal is considered acceptable in principle in terms of compliance with adopted local and national planning policy. Policy SD1 aims to support sustainable development and the proposal also complies with Policy DP6 which aims to maintain a balance between retail and non-retail uses in the Town Centre, including Outer Core. Policy DP6 also states that within the Town Centre, support will be given to bringing upper floors back into use, particularly for C3 residential purposes and B1 business use.
- 16.2 In terms of National Policies, at the heart of the NPPF is a presumption in favour of sustainable development and paragraph 15 states:
- 'Policies in Local Plans should follow the approach of the presumption...so that it is clear that development which is sustainable can be approved without delay'*
- 16.3 In terms of the loss of the existing use, the planning history indicates that the lawful use of the building is as a museum (Class D1). Whilst it is acknowledged that Local Plan Core Strategy Policy SD3 supports the delivery, retention and enhancement of key community facilities in the Borough in accessible locations, the change of use is considered justified on the basis that the conversion to residential use would bring a redundant building back into a viable use in a sustainable location and would also help to preserve this non-designated asset. In addition, the building has not historically been used as a public museum but was instead to store and conserve items owned by the Colchester and Ipswich Museum Service and as such, it was not open for community use. The previous occupier, the Colchester Museum Resource Centre has relocated to alternative premises within the Borough (in Severalls Business Park), so the use has not been lost, but rather relocated within the Borough. Accordingly, it is not considered the proposal would result in the loss of employment opportunities in the Borough.
- 16.4 In conclusion, the proposed nine dwellings lie in a predominantly residential area that is well linked to existing services and facilities. The change of use would assist towards meeting the Council's housing requirement, whilst being consistent with the Local Plan policy approach of focussing new dwellings within the existing urban area. The scheme would also help support the existing town centre uses. The proposal is therefore considered to comply with the abovementioned settlement Policies of the Local Plan and NPPF.

Number of Units and Residential Amenity

- 16.5 It is not considered that the 9 units represents the overdevelopment of the site. Policy DP11 refers to various issues that need to be considered and Paragraph 5.3 lends further support to the principle:

Policy DP11 states that 'Proposals for the conversion and sub-division of existing premises into flats and other self-contained residential units will be considered having regard to the intensity of the use proposed and the accessibility of the location to shops and other services.' The current proposal is considered to be of an appropriate intensity in this central location in very close proximity to a wide range of services.

- 16.6 Paragraph 5.3 adds to this statement and is of some background relevance by stating that 'The residential conversion of upper floors over shops and offices within the town centre can increase the stock of small dwellings within a highly sustainable location and may be supported even where the Council's standard parking and amenity space requirements are not met.' The proposal does indeed add to the stock of small dwellings. Parking matters are considered below at 15.15.

- 16.7 The room sizes accord with the required technical building control standards. Whilst there would not be external private amenity space (Policy DP16) this is not unusual for a town centre location. There is public space very nearby in Castle Park. An appropriate living environment can be provided for the occupants of the units and Environmental Protection have raised no objections to the scheme. Having regard to the comments made by private sector housing, the proposal will have to comply with the relevant Building Regulations; including insulation levels and fire escape. Overall, it is therefore considered the proposal would not be contrary to the provisions of Policy DP11.

- 16.8 It is not considered there would be any significant detriment to neighbouring residential amenity from the use, including from noise and disturbance or overlooking. Environmental Protection have raised no objections in this respect. Conditions can be applied to protect the amenity of occupiers of the new apartments.

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

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

considerations indicate otherwise. The relevant adopted Local Plan policies are Local Plan policies ENV1 and DP 14.

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

Highway Issues

- 16.14 Revised drawings have been submitted in the form of swept path analysis to show that the majority of parking spaces can be used satisfactorily although some could be problematic for larger cars so care will be required in some instances. Nevertheless, the Highway Authority now has no objection to the proposal subject to the conditions as outlined above. It is not considered that an objection can be raised to the detailed provision of parking for the scheme, notwithstanding the comment from the Urban Design Officer raising the issue of a potentially car free scheme. Conditions include the submission of Residential Travel Information Packs and signing up to the Car Club.

- 16.15 Vehicular access to the site is reasonable and the provision of 9 spaces in this highly sustainable Town Centre location is not considered contrary to the parking standards outlined in Policy DP19 and the County Council Car parking standards. Visibility splays into and out of the spaces are also considered acceptable. Therefore, inconclusion it is not considered there would be any detriment to highway safety.

Wildlife Impact

- 16.16 With regard to the wildlife impact of the scheme, an initial bat survey was submitted and now a further bat survey report has been received. This confirms the 'likely absence of a bat roost'. Accordingly, no significant impact upon bat roosts is anticipated. The Wildlife Trust are happy with the conclusions of the survey. Due to the urban location of the site, the lack of any field signs and the general lack of access to suitable nesting areas, it is considered unlikely that barn owls make any use of the building. It is not considered that other protected species will be affected in any significant way. Wildlife enhancement in terms of provision of bat boxes can be conditioned. Accordingly, the scheme complies with Policy DP21 which provides that development proposals should conserve or enhance biodiversity.
- 16.17 The site is within a zone of influence of a European designated site and in order to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of recreational impact will be required in accordance with the forthcoming Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This equates to a financial payment which has been requested, which is £122.30 per unit.

Trees and Vegetation

- 16.18 An Arboricultural Impact Assessment has been submitted. This indicates that a total of five trees were surveyed. No surveyed trees were considered to be high quality (Category A) with an anticipated useful life expectancy of in the region of 40+ years. Three surveyed trees were considered to be moderate quality (Category B) with an anticipated useful life expectancy of in the region of 20+ years. Two surveyed trees were considered to be low quality (Category C) with an anticipated useful life expectancy of in the region of 10-20+ years. No surveyed trees were considered unsuitable for retention (Category U).
- 16.19 The AIA concludes that of the five trees surveyed, all will be retained and will be protected during the proposed demolition and construction works. The conclusion states: "Overall, provided that the temporary protection measures and briefing for site operatives are put in place prior to construction on site it is reasonable to conclude that the proposals are feasible from an arboricultural perspective." Accordingly, it is considered that, subject to appropriate conditions, impact upon vegetation is unlikely to be significant." However, it is considered a condition is required to ensure details of the provision of services is submitted to ensure any impact upon Root Protection Areas is minimised.

Flood Risk and Drainage

- 16.20 The site lies within a Flood Zone 1 area and this is the lowest flood risk area. Accordingly, it is not considered there is an objection on flood risk grounds. Conditions can be applied to secure an appropriate surface water drainage scheme. Subject to compliance with this condition, the proposal would not contravene the provisions of Policy DP20 which covers flood risk and sustainable drainage issues.

Other matters

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

17.0 Conclusion

- 17.1 To summarise, the proposed nine dwellings lie in a predominantly residential area that is well related to existing services and facilities and is thus in a sustainable location. The change of use would assist towards meeting the Council's housing requirement, whilst being consistent with the Local Plan policy approach of focusing new dwellings within the existing urban area. The scheme would represent an appropriate re-use of a redundant building and would also help support the existing town centre uses. The scheme would not represent an overdevelopment of the site. The proposal is therefore considered to comply with the abovementioned settlement Policies of the Local Plan and NPPF.
- 17.2 It is considered the proposal would preserve the character of the Conservation Area and Locally Listed Building and would not have any significant impact upon the setting of the Listed Castle opposite. The scheme is acceptable in terms of the residential amenity of the future occupiers and neighbouring occupiers. The scheme provides for adequate private parking in this Town Centre location and would not be detrimental to highway safety. There are also no objections in terms of wildlife impact, contamination, archaeology, drainage or flooding.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the receipt of the RAMS payment (wildlife mitigation) and the following conditions:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM – Development To Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 0342_DD_001, 002, 003, 008A, 009C, 010 D, 011 D, 012 D, 013 D, 014 C, 015 B, 016 D, 017 C, 018, 019 C, 020/A received 1.3.19, IT2011/ATR/01, IT2011/ATR/02, IT2011/ATR/03 received 6/3/19, updated Arboricultural Impact Assessment.

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

3. Non Standard Condition- Off Street Car Parking

The development shall not be occupied until such times as the off-street car parking facilities have been provided in accord with the details shown in the revised drawings. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

4. Non Standard Condition- Vehicular Access

Prior to the first occupation of the proposed development, the proposed vehicular accesses shall be provided with an appropriately constructed connection to Ryegate Road to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

5. ZIF – No unbound surface materials.

No unbound materials shall be used in the surface treatment of the proposed vehicular accesses 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.

6. Non Standard Condition- Bicycle Parking

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

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

7. Non Standard Condition- Construction Method Statement

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

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

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

8. Non Standard Condition- Travel Information Packs

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.

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

9. Non Standard Condition - Window retention

The existing windows on the building shall be retained unless otherwise shown (annotated) to be replaced/removed on the approved drawings.

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

10. Non Standard Condition - External Joinery Details

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

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

11. ZLR – Works of Making Good

Within 2 MONTH(S) of the works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

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

12. Non Standard Condition - Historic Building Recording

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

- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works.
- The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

13. Non Standard Condition - Building Recording

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

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

14. Non Standard Condition - Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

15. Non Standard Condition – Asbestos Survey

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

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

16. Z00 – Surface Water Drainage

Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

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

17. Non Standard Condition - Sustainable Urban Drainage-

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing suitably qualified person(s) or the Lead Local Flood Authority (ECC), the statutory consultee in relation to SuDS. The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the LPA. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Run-off from the site restricted to a maximum of 24.5l/s for all events up to the 1 in 100 inclusive of climate change (40%) storm event.

- Infiltration testing across the site area, in accordance with BRE 365, to support the SuDS hierarchy.
- Control of all surface water run-off generated within the development for all events up to and including the 1 in 100 year event inclusive climate change (40%).
- An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
- Final detailed modelling of the whole drainage network on site.
- A drainage plan highlighting final conveyance and exceedance routes, location and sizing of storage features, discharge/infiltration rates and outfall/s from the site.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

18. Non Standard Condition – Drainage Maintenance

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

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

19. Non Standard Condition – Refuse and Recycling Storage

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

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

20. Non Standard Condition – Service Details

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

Reason: To ensure trees and vegetation is adequately protected.

21. Non Standard Condition – Tree Protection

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

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

22. Non Standard Condition - Wildlife Mitigation and Enhancements

The Wildlife Mitigation outlined in the submitted ecological surveys shall be complied with during the lifetime of the development works, and the Wildlife Enhancements shall be implemented within two months of completion of the development works and thereafter retained as such.

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

19.0 Informatives

19.1 The following informatives are also recommended:

Non Standard Informative

Highway Informative

1. The swept path analysis drawings provided, demonstrate that ingress and egress manoeuvres by motor cars can be made efficiently and conveniently at some parking spaces however, it is clearly shown that these manoeuvres at other spaces maybe problematic especially for larger cars and great care will be required by drivers whilst manoeuvring. It is also noted by the Highway Authority that membership of a nearby car club will be provided to the residents of all these dwellings which may negate the need to own a motor vehicle in the Town Centre of Colchester.

Highway Informative

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

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

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

Non Standard Informative#

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

4. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

5. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

6. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.