Colchester Borough Council

Planning Services

Rowan House
33 Sheepen Road
Colchester
CO3 3WG

Notice of Planning Decision

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

In pursuance of the powers exercised by it as District Planning Authority this Council, having considered your application to execute the works detailed below in accordance with the plan(s) accompanying the said application, does HEREBY GIVE NOTICE of its decision to GRANT CONSENT for the execution of the said works subject to the condition(s) set out below:

APPLICATION NO: 180117

APPLICATION DATE: 25 January 2018

PROPOSAL: Listed building application for change of use of existing dwellinghouse to 14-bedroom house in multiple occupation, and erection of replacement building at rear to provide 7-bedroom house in multiple occupation.

LOCATION: 79 Magdalen Street, Colchester, CO1 2LA

APPLICANT: Mr Jay Munoz, C/o agent

1 - The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.
Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - Prior to the commencement of any works, an appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the building concerned. This record shall be carried out by an archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings who shall have previously been agreed, in writing, by the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has previously been agreed, in writing, with the Local Planning Authority.
Reason: To secure the proper recording of the listed building.

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

3 - If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in context of the approved scheme shall be submitted for written approval by the Local Planning Authority
Reason: To secure the proper recording of the listed building.

4 - Prior to the commencement of any works to 79 Magdalen Street, a full schedule and specification of the repair works shall be submitted to and approved in writing, by the Local Planning Authority. The works shall thereafter be carried out in full accordance with the approved details.
Reason: In the interests of preserving the character and appearance of the listed building and its setting.

6 - Within one month of the works being carried out to 79 Magdalen Street,all adjoining surfaces which have been disturbed by the works 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 historic character of the listed building.

7 - No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these (including brick bond and mortar type) have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.
Reason: In order to ensure that suitable materials are used on the development and to safeguard the special interest of the building.

PLEASE NOTE: 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.

Date: 6 December 2018

Signed:



Karen Syrett
Planning & Housing Manager Policy and Corporate

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.

NOTES ON YOUR DECISION NOTICE – PLEASE READ THE BELOW IN FULL

Building in Accordance with the Plans
Planning permissions are given on the basis of the details submitted. If you plan to make any changes whatsoever to deviate from the approved plans then you are strongly advised to liaise with Colchester Borough Council Planning Services prior to undertaking any works. You may require a new planning application or a variation to your existing permission. Failure to construct in accordance with the plans could lead to potential Enforcement Action.

Requirement to Comply With Your Conditions
Please read all of your conditions carefully. All of your conditions must be complied with. Failure to comply in full with a planning condition placed upon your permission may result in potential Enforcement Action. Planning conditions require certain things to be done at certain times, often prior to the commencement of any works. If you are in any doubt as to the requirements of your conditions please liaise with Colchester Borough Council Planning Services.

Building Regulations
Planning permissions do not include any approval which may be necessary in accordance with Building Regulations. Advice on the need for Building Regulations approval can be obtained by calling Colchester Borough Council Building Control Team on 01206 282436.

Appeals to the Secretary of State
If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within the timescales listed below:

- For Householder Appeals – within 12 weeks of the date of the decision notice
- For Minor Commercial Appeals – within 12 weeks of the date of the decision notice
- For Advertisement Appeals – within 8 weeks of the date of the decision notice
- For all other appeal types – within 6 months of the date of the decision

Notwithstanding the above, if the planning application relates to the same (or substantially the same) land and development as is already the subject of an enforcement notice the appeal must be made within 28 days of the date of this notice and not the period set out above.

If an enforcement notice is served relating to the same (or substantially the same) land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within
28 days of the date of service of the enforcement notice, or within the relevant period set out above, from the date of this notice, whichever period expires earlier.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not

have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Listed Building Consent
Attention is drawn to section 78 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The effect of which is that demolition may not be undertaken, (despite the terms of the consent granted by or on behalf of the Planning Authority), until notice of the proposal has been given to English Heritage at PO Box 569, Swindon SN2 2YP, telephone 01793 414600. English Heritage must subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it, before demolition commences.

Rights of Way
The applicant is reminded that the grant of planning permission does not entitle them to obstruct a Right of Way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, they should, on the receipt of planning permission, apply without delay to the Local Planning Authority for an order under section 257 of the Town and Country Planning Act 1990. In the case of any other right of way, application should be made to the Secretary of State for an order under section 247 of the Act. In either case development shall not be started until a decision has been taken on the application.

Purchase Notice
If either the Local Planning Authority or the Secretary of State refuses permission to develop land, or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonable beneficial use in its existing state, nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990, or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

You are advised to seek professional advice before embarking on the serving of a purchase notice.

Compensation
In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of the application to him.