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Planning and Heritage Statement

Proposed Change of Use of Existing Dwellinghouse to 14-Bedroom House in Multiple Occupation, and Erection of Replacement Building at Rear to Provide 6-Bedroom House in Multiple Occupation

79 Magdalen Street, Colchester, CO1 2LA

On Behalf of Mr J. Munoz (PKALF Prop Ltd)

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Appendix 1 – Essex Draft HMO Standards (Table 1 and Table 2)

1.0 INTRODUCTION

1.1 This Planning and Heritage Statement accompanies and supports the planning application made on behalf of Mr J. Munoz for the change of use of the existing dwellinghouse at 79 Magdalen Street, Colchester, to a 14-bedroom House in Multiple Occupation along with the replacement of a derelict building to the rear with a new building to provide an additional 6-bedroom HMO.

1.2 As detailed at Chapter 2 of this statement, the application site has previously had the benefit of planning permission for change of use to 6 no. flats. It is apparent that this consent was not implemented, and the property remains in use as a single unit.

1.3 The main building on the application site is a Grade II Listed Building. The listing dates back to 1971 and the List Entry is limited to a physical description of the building from an external perspective. The building is structurally in good condition, but it is in need of general refurbishment in order to maintain its heritage significance as identified in the listing.

1.4 Chapter 2 of this statement provides a description of the application site and relevant planning history, followed by a description of the proposed development at Chapter 3. Chapter 4 sets out the relevant planning policies and material considerations pertinent to the assessment of the proposals. The planning appraisal is set out in Chapter 5 followed by conclusions in Chapter 6.

1.5 The application site is located in an area of mixed residential and commercial development. Its immediate context on the south side of Magdalen Street, with commercial uses adjoining on both sides, makes it poorly-suited to its existing use as a very large family dwellinghouse. The location is, however, highly sustainable, with a range of shops and services within immediate walking distance, and Colchester Town railway station within 500 metres of the site.

1.6 The assessment set out at Chapter 6 of this statement concludes that the proposed development accords fully with the development plan, and that material considerations lend further weight in favour of the scheme. It is therefore concluded that the proposals are entirely suitable for the granting of planning permission.

2.0 THE APPLICATION SITE

2.1 The application site comprises the property known as 79 Magdalen Street, located to the south of Magdalen Street. The site is adjoined by a petrol filling station to the west, and commercial premises to the east. Directly opposite the site on Magdalen Street is a development of flats known as Carters Court.

2.2 The site itself comprises the main building at the fore, with a long curtilage extending approximately 50 metres to the rear where it adjoins Kendall Road Folley, which separates the site from residential terrace properties on Kendall Road to the south. At the rear of the site there is a derelict two-storey building. The external space within the site comprises hardstanding with a derelict shed and greenhouse.

2.3 In the wider context, the site is centrally located in Colchester with a range of shops and services within close walking distance. There is a small convenience store attached to the PFS which adjoins the site to the west, and beyond that an Aldi supermarket approximately 80 metres from the site. There are frequent services from the nearest bus stop on Magdalen Road approximately 100 metres to the west. Colchester Town railway station is within 500 metres (approx. 5-minute walk) of the application site.

2.4 The site is not located within an area at risk of flooding and is not located within a Conservation Area. It is within the settlement boundary of Colchester as indicated on the Proposals Map. The site is also located within Special Policy Area 3 as defined by Policy SA EC5 of the Site Allocations DPD. The policy is set out in detail at Chapter 4 below. The site falls outside the area covered by the Magdalen Street Development Brief.

Relevant Planning History

2.5 The site has been the subject of the following planning applications according to the Council's online database:

- Listed Building Consent Application Ref: **96/1471** for internal partitions and replacement of rear door with windows – approved 5th February 1997

- Planning Application Ref: **97/1744** for change of use of former shop to 6 no. flats – approved 15th September 1999

3.0 PROPOSED DEVELOPMENT

3.1 The proposed development comprises two elements. Firstly, change of use of the main building – an existing dwellinghouse – along with internal works to create a 14-bedroom House in Multiple Occupation across the basement, ground, first and second floor levels, with en suite facilities to each room and kitchen/living facilities at the basement, ground and second floor levels.

3.2 The basement, ground and first floor levels are to be accessed via the existing access points and internal stairs. In order to provide access to the second-floor accommodation, a new external staircase is proposed to the rear.

3.3 Secondly, scheme proposes the demolition of the derelict two-storey building at the rear of the site and replacement with a new building to provide a three-storey, 6-bedroom House in Multiple Occupation, with en suite facilities to each room and kitchen/living facilities at the ground floor level.

3.4 The site will be accessed via the existing vehicular and pedestrian access from Magdalen Street, with the existing drive-through retained and an element of on-site car parking to the rear providing 6 no. parking spaces. For the most part the scheme is proposed to be zero-parking, given the highly accessible nature of the site in respect of local shops and services and public transport opportunities.

3.5 The proposed development is set out in detail on the following plans and drawings which accompany the submission:

Drawing C014 – Site Location Plan
Drawing C016 – Existing Site Layout Plan
Drawing C015 – Proposed Site Layout Plan

Existing Building Change of Use:

Drawing C001 – Existing Basement Floor Plan
Drawing C002 – Existing Ground Floor Plan
Drawing C003 – Existing First Floor Plan
Drawing C004 – Existing Second Floor Plan
Drawing C005 – Proposed Basement Floor Plan
Drawing C006 – Proposed Ground Floor Plan
Drawing C007 – Proposed First Floor Plan

Drawing C008 – Proposed Second Floor Plan
Drawing C009 – Proposed Cross-Section
Drawing C010 – Proposed Longitudinal Cross-Section

Replacement Building:

Drawing C017 – Existing Ground Floor Plan
Drawing C018 – Proposed Ground Floor Plan
Drawing C019 – Proposed First Floor Plan
Drawing C020 – Proposed Second Floor Plan
Drawing C021 – Proposed Roof Plan
Drawing C022 – Proposed North Elevation
Drawing C023 – Proposed South Elevation
Drawing C024 – Proposed West Elevation
Drawing C025 – Proposed East Elevation

4.0 PLANNING POLICY & MATERIAL CONSIDERATIONS

4.1 It is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.2 The development plan relevant to the application site comprises the Colchester Core Strategy (adopted December 2008), the Colchester Development Policies DPD (adopted October 2010 and revised July 2014) and the Colchester Site Allocations DPD (adopted October 2010).

4.3 In this case the main material considerations are considered to comprise relevant policies of the National Planning Policy Framework and the Essex Draft HMO Standards document which sets out internal space standards to ensure good quality HMO design.

The Development Plan

Colchester Core Strategy (December 2008 – Revised July 2014)

4.4 The Core Strategy Sets out the overarching policy governing development in the Borough. The Spatial Vision (3.1) identifies that the focus of new development will be on Colchester Town and Stanway, seeking development which, among other aims, will deliver affordable housing and achieve a high standard of design. Policy **SD1** restates the NPPF presumption in favour of sustainable development.

4.5 **Policy H1** sets out aspirations for housing delivery, identifying that the majority of residential development will be focused in Colchester Town.

4.6 **Policy H2** deals with housing density, and states that *"locations with good access to centres, particularly the Town Centre…are more suited to higher density development,"* provided that they are compatible with the surrounding townscape.

4.7 **Policy H3** addresses housing diversity, and states that developments *"should provide a mix of housing types to suit a range of different households, while also realising the opportunities presented by accessible locations."* It states that housing developments should contribute to the provision of affordable housing.

Colchester Development Policies DPD (October 2010 – Revised July 2014)

4.8 The key policy of relevance to the current application is **Policy DP11**, which addresses proposals for the conversion and sub-division of existing premises into flats and other self-contained residential units. It states that such proposals will be supported provided that:

> **(i) the proposal is not for the conversion of an existing property with a gross floor area of less than 110 square metres;**
>
> **(ii) the conversion will not be detrimental to the appearance of the building by reason of unsympathetic additions or alterations;**
>
> **(iii) appropriate provision is made for parking, private amenity space and refuse storage facilities, in a visually acceptable manner;**
>
> **(iv) the proposal will not either in isolation or because of the cumulative impact be detrimental to the character or amenity of the street frontage;**
>
> **(v) the internal layout minimises possible noise disturbance and/or overlooking to the immediate neighbours; and**
>
> **(vi) the proposal will not result in an unsatisfactory living environment for prospective occupiers.**

4.9 **Policy DP14** deals with historic environment assets. Of relevance, it states that conservation of the historic environment will be ensure by (inter alia) *"preserving or enhancing Listed Buildings…including their settings."*

Colchester Site Allocations DPD (October 2010)

4.10 **Policy SA EC5** of the Site Allocations DPD sets out special planning policy requirements for development around Magdalen Street, including the application site. It states that to the north of Magdalen Street, housing areas will be extended and consolidated, while new development on the south side of Magdalen Street *"shall continue the existing mix of commercial, industrial, service and retail uses. Proposals must not adversely affect the amenity of neighbouring housing areas."*

4.11 The policy goes on to state that development shall accord with the more detailed criteria set out in the adopted Magdalen Street SPD. However, it should be noted that

the application site falls outside of the area covered by the Magdalen Street Development Brief.

Material Considerations

The National Planning Policy Framework

4.12 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development in its three dimensions, economic, social and environmental. Planning should contribute to building a strong economy, providing the supply of housing needed by present and future generations and protecting and enhancing the natural and built environment.

4.13 The NPPF establishes a presumption in favour of sustainable development. For the purposes of decision-taking, this means approving proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

4.14 The Core Principles set out at paragraph 12 of the NPPF include (of relevance to the current proposals) requirements that planning should:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Essex Draft HMO Standards

4.15 The Essex Draft HMO Standards document sets out appropriate room sizes and facilities requirements for HMO accommodation. The relevant tables are included as Appendix 1 to this statement, and cross-reference as appropriate in the planning assessment provided at Chapter 5 below.

5.0 PLANNING ASSESSMENT

Principle of Development

5.1 The application site is located in a highly sustainable location in respect of access to local shops and services and public transport connections. The site is within close walking distance of Colchester Town Centre. By virtue of policies H1 and H2 of the Core Strategy, the siting of residential development in this location, and the provision of high density housing, are supported and encouraged by the development plan.

5.2 The existing property is a very large family-sized dwellinghouse located on the south of Magdalen Road, which is predominantly commercial and industrial in character – and identified as such by policy SA EC5 of the Site Allocations DPD. Whilst the principle of residential development on the site is clearly established, the site context with adjoining commercial uses is poorly-suited to the existing use as a family home.

5.3 In addition, the very low housing density of the property is unsuitable given the central and sustainable nature of the site location. The site therefore represents an opportunity to deliver a higher density development of accommodation more suitable to the busy location – as a large House in Multiple Occupation.

5.4 Taking these considerations into account, it is considered that the proposals will deliver a more suitable housing density and housing diversity for the site in a highly sustainable and central location, and will therefore be fully compliant with the requirements of Core Strategy policies H1, H2 and H3. The proposal will also deliver much needed affordable accommodation.

5.5 It is therefore concluded that the principle of the proposed development in this location is clearly established.

Design and Residential Amenity

5.6 The form of development proposed is principally governed by policy DP11 of the Development Policies DPD. The scheme is assessed against the detailed requirements of that policy as follows:

> **(i) the proposal is not for the conversion of an existing property with a gross floor area of less than 110 square metres;**

5.6.1 The existing property has a floorspace of 283.66 sq m, well in excess of the policy minimum. This reflects that the property is oversized for a single dwelling in this central and sustainable location, and conversion to achieve a higher density across the application site is supported by the Core Strategy.

(ii) the conversion will not be detrimental to the appearance of the building by reason of unsympathetic additions or alterations;

5.6.2 No external additions or alterations are proposed, and the only external changes to the building as a result of the proposed development will be general refurbishment and maintenance to improve its existing appearance. The scheme therefore meets this requirement in full.

(iii) appropriate provision is made for parking, private amenity space and refuse storage facilities, in a visually acceptable manner;

5.6.3 The proposal include provision for 6 no. on-site parking spaces. However, for the most part the scheme is proposed as zero-parking, given the low levels of car ownership associated with HMO use and the highly accessible nature of the site location, with shops, services and a range of public transport connections within close walking distance. Provision of on-site private amenity space is not appropriate to HMO use, but the site has good access to public open space, located within a 5-minute walk of the Old Heath Recreation Ground via Wimpole Road. There is ample space for refuse to be stored in a concealed location to the rear of the site, and details of this may be secured by planning condition if considered necessary.

(iv) the proposal will not either in isolation or because of the cumulative impact be detrimental to the character or amenity of the street frontage;

5.6.4 As set out above, there will be no external changes to the main building. The the proposed rebuilding at the rear of the site is fully concealed from the street frontage. The scheme therefore complies fully with this requirement.

(v) the internal layout minimises possible noise disturbance and/or overlooking to the immediate neighbours;

5.6.5 The accompanying scheme drawings demonstrate that the internal arrangement of the conversion has been carefully designed to ensure that noise disturbance between units will be minimised and that there will be no instances of overlooking to immediate neighbours. The adjoining neighbours

are both commercial uses with low sensitivity, and properties to the rear are well separated from the development by Kendall Road Folley. No windows are proposed in the rear elevation of the replacement building.

(vi) the proposal will not result in an unsatisfactory living environment for prospective occupiers;

5.6.6 The design of the scheme has been carefully considered to ensure that all proposed accommodation complies fully with the space and facilities requirements of the Essex Draft HMO Standards (**Appendix 1**). The scheme therefore achieves a high level of residential amenity for future residents, with spacious accommodation, kitchen and living areas, and en suite facilities to each room. The proposal therefore achieves a high standard of residential amenity and complies fully with requirement (vi).

5.6.7 The assessment set out above demonstrates that the proposed development meets all of the relevant requirements set out in policy DP11 in full, and the scheme is wholly compliant with the development plan in this respect.

Heritage Assessment

5.7 The property is a Grade II Listed Building and as such the proposed development is subject to the duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the Listed Building and its setting.

5.8 The List Entry for the property dates back to 2nd December 1971 and contains limited detail. However, the significance of the building is clearly identified in the details which comprise the following:

"C18 and later. 2 storeys and attics, the roofs mansard and tiled, double hipped gables east and west 2 dormers to the front, 3-window range of double hung sashes one blank window, cart entrance east end of front."

5.9 It is apparent from the List Entry that the heritage significance of the building relates to its external appearance and overall design. It is apparent that the significance and appreciation of the building has been degraded in recent years by deterioration of the paintwork, graffiti and missing roof tiles and coping tiles. The appreciation of the Listed Building is also degraded to a lesser extent by the unkempt nature of its setting with derelict structures to the rear of the site.

5.10 The proposed development does not include any external works or alterations to the building, and in that respect it will not impact on the significance of the asset. The proposals will, however, include the refurbishment and ongoing maintenance of the building, reversing the cosmetic damage to its external appearance and therefore having a positive heritage impact by allowing better appreciate of the significance of the property. The proposed development will also secure a long term viable use for the property and ongoing management which will ensure that the building is kept in a good state of repair.

5.11 It is therefore concluded that the proposed development will make a positive contribution to preserving and enhancing the Grade II Listed Building and its setting. The scheme therefore complies fully with the relevant requirements of NPPF paras. 132 – 135 and relevant policies of the development plan. It is accordingly demonstrated that, in approving the development, the local authority would be in compliance with its duties under the 1990 Act.

Other Matters

5.12 In respect of landscaping, cycle storage and refuse storage, it is identified that there is ample space within the site for these to be accommodated. The existing system for surface water and foul water drainage on the site will be unchanged. The details of these matters may be secured by the use of planning conditions where it is considered reasonable and necessary to do so.

Summary

5.13 The assessment above has demonstrated that the proposed development is fully in accordance with the relevant policies of the development plan. The relevant policies of the National Planning Policy Framework lend further weight in favour of the scheme as a significant material consideration, as does the close accordance of the scheme with the Essex Draft HMO Standards.

5.14 In addition to these matters, it should be acknowledged that the scheme will achieve a more appropriate level of housing density and housing diversity on this site given its central and sustainable location. The provision of significantly more residential accommodation on the site, whilst maintaining a good standard of design and residential amenity, will make a meaningful contribution to the supply of affordable housing in Colchester. As a material consideration this lends additional weight in favour of the proposed development.

6.0 CONCLUSIONS

6.1 The assessment set out in Chapter 5 above has concluded that the scheme is fully in accordance with the development plan, and further supported by material considerations. In particular it has been shown that:

- The principle of development is clearly established, and the proposals will proactively deliver the aims of the Core Strategy by providing a higher density and diversity of affordable residential accommodation on a centrally located and highly sustainable and accessible site;

- The development, whilst limited in external works to the replacement of the building to the rear – which is largely concealed from public view – will nevertheless, by virtue of securing the general refurbishment of the building and providing an attractive curtilage and setting, result in an improved contribution to local character and achieves a high standard of design;

- The scheme achieves a high level of residential amenity for future residents, with spacious HMO accommodation, en suite facilities to all bedrooms and all spaces and facilities in accordance with the relevant design standards;

- The significance and appreciation of the Grade II Listed Building will be improved by securing its refurbishment and, in the longer term, its ongoing maintenance by the proposed development which will secure a long-term viable use;

- The existing access to the site is entirely suitable to accommodate the proposals, and the mainly zero-parking nature of the development is entirely appropriate given the sustainable and accessible location of the site and low levels of car ownership associated with HMO use; and

- It has been shown that other matters including landscaping, cycle and refuse storage can be comfortably accommodated within the site and it is appropriate to secure their details through the use of planning conditions.

6.2 On the basis of the above and the assessment contained in this report, it is concluded that the proposed development at 79 Magdalen Street is fully compliant with the development plan and that relevant material considerations lend further weight in favour of the scheme. There are no material considerations which indicate against the proposals. The scheme is accordingly found to be entirely suitable for the granting of planning permission.