



The Ordnance Survey map data included within this publication is provided by Colchester Borough 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:** 7.6

**Application:** 170480

**Applicant:** Mr G Phillips

**Agent:** Mr Chris Robards

**Proposal:** Change of use from A2 to C3, together with slight internal alterations and change to garden wall

**Location:** 11 Trinity Street, Colchester, CO1 1JN

**Ward:** Castle

**Officer:** Mark Russell

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council.

## **2.0 Synopsis**

- 2.1 The key issue for consideration is the principle of the change of use of this town centre building to a class C3 (dwellinghouse).
- 2.2 It is explained that a separate application (170481, also before Committee for the same reason) deals with the listed building aspects.
- 2.2 It is explained that, whilst the application might be seen to conflict with town centre policies (in particular DP6), the proposed use of this building (originally built as a dwellinghouse and having no meaningful windows to facilitate use as a shop) is the best viable use for this Grade II listed building.
- 2.3 Permission is then recommended.

## **3.0 Site Description and Context**

- 3.1 This is a Grade II listed building, in a group with numbers 12 and 13, C16 origin but considerably altered. The house has what is described as a “modern” (Victorian) brick front.
- 3.2 This is within Colchester Conservation Area 1 in a very high quality of built environment, with almost the entire western side of Trinity Street (2-14 consecutively) being listed and much of the opposite side being similarly classified. The street boasts II\* listed buildings, such as Tymperleys and has as its jewel the Grade I listed medieval Holy Trinity Church with its Saxon flint tower. Surrounding streets such as Sir Isaacs Walk, Eld Lane and Scheregate boast a similar pedigree.
- 3.3 The building itself immediately fronts Trinity Street with no footway and has a generously-sized garden (approximately 300m<sup>2</sup>) which wraps around the rear of 12 Trinity Street.

## **4.0 Description of the Proposal**

- 4.1 The proposal is to convert this former professional services (A2) building, previously occupied by Marshalls Solicitors, to a single C3 dwellinghouse.
- 4.2 The application also proposes internal alterations not requiring of Planning permission, but Listed Building Consent; as well as alterations to the garden wall at the rear.

## **5.0 Land Use Allocation**

- 5.1 Town Centre (Inner Core).

## **6.0 Relevant Planning History**

- 6.1 160429: Listed building application to remove existing ceiling in first floor and replace. Approved 20<sup>th</sup> April 2016;

## **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

CE2a - Town Centre

H1 - Housing Delivery

UR2 - Built Design and Character

- 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

DP6 Colchester Town Centre Uses

DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development

- 7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

n/a

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

The Essex Design Guide

External Materials in New Developments

Planning Out Crime

Town Centre Public Realm 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.
- 8.2 Our Major Development & Projects Manager has responded to the Listed Building proposal. No comments have been received from any party with regard to this full Planning application.

## **9.0 Parish Council Response**

- 9.1 n/a

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations have been received.

## **11.0 Parking Provision**

- 11.1 No parking is provided in this town centre location.

## **12.0 Open Space Provisions**

- 12.1 n/a

## **13.0 Air Quality**

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

## **14.0 Planning Obligations**

- 14.1 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.

## **15.0 Report**

### Principle of Development:

- 15.1 The site is within the Central Core of Colchester town centre within the main shopping area. This is covered by Development Policies policy DP6.
- 15.2 This policy states: *“In the Inner Core the Council will seek to maintain a high level of retail use with at least 85% A1 retail use on each street frontage.”* This part of the policy is not relevant as the “lost” use is not A1, but A2.

- 15.3 However, the next limb of the policy states: *“Alternative appropriate non-retail uses, particularly A3 uses will also be supported provided that they contribute to the vitality of the Town Centre.”*
- 15.4 Clearly the proposed use is not A3 and, whilst the supporting text of DP6 does recognise that “a lower amount of retail exists” on Trinity Street as well as Sir Isaacs Walk, a residential use does need to be carefully considered on its merits.
- 15.5 There are several factors which militate in its favour: The first is that this is a listed building and it is crucial to find a beneficial use for it. It is worth remembering that 11 Sir Isaacs Walk was originally built as a dwellinghouse and the use most appropriate to its layout and to the form of its rooms is as residential, with a single unit of accommodation.
- 15.6 The Listed Building issues are covered at greater length in the Listed Building report, suffice it to say here that the proposal offers sympathetic improvements to the building.
- 15.7 Also in its favour is the fact that the frontage of the building makes it difficult to use as a retail or other town centre use.
- 15.8 It must also be noted that the previous use (Marshalls Solicitors) did not contribute to any active frontage on Trinity Street.
- 15.9 The proposals also include a rebuilding of the garden wall which will assist in improving the setting of this listed building within Colchester Conservation Area 1 in a generally high quality built environment.
- 15.10 Additional works to a newer section of the building at the rear include the removal of a door and its partial infilling and the widening of another door.

## **16.0 Conclusion**

- 16.1 In summary, whilst not contributing to the “vitality” of the town centre in the traditional sense (other than bringing extra residents to a town centre street), the proposal would represent the best use of this largely unspoilt listed building within Colchester Conservation Area 1 without requiring any invasive work which would undermine its special interest.

## **17.0 Recommendation to the Committee**

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to 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 1972/03 rev A. Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

**3        Z00 – (non-standard) ONE dwelling.**

The permission hereby granted is for the property to be ONE single dwelling house only.

Reason: For the avoidance of doubt as to the scope of this permission as the Council would wish to control the extent of use of this building.

**4 - Z00 – (non-standard) default change of use.**

Should residential use cease, the default use of this building shall be either a continuation of use as a single C3 (dwellinghouse) or as A1 or A2 use. Reason: The Council would wish to facilitate a beneficial use for this listed building within Colchester Conservation Area 1.

**18.0 Informatives**

18.1 The following informatives are also recommended:

**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.

**INS – Non-standard Informative.**

Please be advised that the Council would be unlikely to support a subdivision of this property because this would result in works which would affect its special interest and would undermine the form and function of Trinity Street and the wider Colchester Conservation Area 1. Permission has only been granted for residential use in the interests of preserving this special interest and conservation area setting.

**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.