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Item No: 7.7

Application: 190649

Applicant: Colchester Borough Council

Agent: Mr S. Eke

Proposal: Increase in roof height to enable installation of roof insulation, while permitting internal exposure of some existing roof structure. New double doors to shopfront.

Location: Jacks, 5 St. Nicholas Street, Colchester, CO1 1LB

Ward: Castle

Officer: Benjy Firth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application has been made on behalf of Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issue for consideration is the design of the proposal and impact the scheme will have on the non-designated heritage asset and on the Conservation Area.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 No. 5 St Nicholas Street is a two-storey property, with third storey attic space and two storey and single-storey additions, historically used as a shop at ground floor with storage areas above. The property is located within the Outer Core of Colchester Town Centre on the corner of Culver Street East and St Nicholas Street and is within a Conservation Area, which is characterised by 19th and early 20th century properties of varying style and construction, with some modern built shops. The property is locally listed.
- 3.2 The property has a distinctive character when viewed from St Nicholas Square, with a jettied first and second floor and large first-floor window; its presence within Culver Street East is less pronounced, with little fenestration or architectural features. The front of the building adjoins No. 1-3 St Nicholas Street 'The Three Wise Monkeys', a large restaurant, bar, and music venue set out over three floors.

4.0 Description of the Proposal

- 4.1 This application seeks permission to raise the roof of the building by 100mm to allow for the installation of insulation and alterations to the existing access arrangements on the front elevation.

5.0 Land Use Allocation

- 5.1 Currently A1 retail.

6.0 Relevant Planning History

- 6.1 Planning permission 182893 recently granted permission for the change of use of the building to form part of the adjacent pub and provide a micro-brewery.

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:

UR2 - Built Design and Character
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
DP14 Historic Environment Assets

7.4 Submission Colchester Borough Local Plan 2017-2033:

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:

- The stage of preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies in the emerging plan; and
- 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 a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

Shopfront Design Guide

8.0 Consultations

- 8.1 None.

9.0 Parish Council Response

- 9.1 None applicable.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. However, the only response came from the Council's Historic Buildings and Areas Officer, who stated:

There are no objections to the proposals which have already been discussed with the Applicant and are considered acceptable for their impact on the special interest of the locally listed building. The only issue that requires clarification involves the roof tiles: drawing 402A indicates that the roofing material will be "Peg tiles as existing". Does that signify the use of new peg tiles that resemble the existing or that the existing peg tiles will be salvaged and re-used? The latter options would be preferable for the protection of the building's character, subject to a condition assessment of the present tiles and their potential for re-use. If new replacement tiles are required, to recompense for the expected loss of material during removal, they should be installed in rear facing areas of the roof.

11.0 Parking Provision

- 11.1 None applicable

12.0 Accessibility

- 12.1 The alterations to the shop front and access arrangements see a widening to the doorway, thus improving accessibility.

13.0 Open Space Provisions

- 13.1 None Applicable.

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

16.1 The raising of the roof is minimal and as such will have no significant impact on the proportions of the building. The re-use of existing tiles and the use of matching materials will be ensured by condition. As a result, this element of the proposal will have no significant impact on the appearance of the building.

16.2 The alterations to the shop front and access arrangements are well proportioned in relation to the host building and utilise matching materials. As a result, this alteration to the building has a neutral impact and conserves its appearance.

17.0 Conclusion

17.1 To summarise, neither alteration to the building has a significant impact on its appearance. Both alterations are therefore considered acceptable in terms of their design, their impact on the appearance of the building and their impact on public amenity. The alterations are held to preserve the wider Conservation Area and will have a neutral impact on the setting of neighbouring heritage assets.

18.0 Recommendation to the Committee

18.1 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.

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 400, 401 and 402 Rev. A.

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

3. ZBB - Materials As Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Non Standard Condition - Roof Tiles

The existing roof tiles are to be retained and re-used on the altered roof as hereby approved. Where replacement or additional tiles are required these shall match the existing tiles in colour, texture and form as closely as possible. Said replacement or additional tiles shall only be used on the rear facing roof slopes.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

19.0 Informatives

19.1 The following informatives are also recommended:

1. 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.

2. 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.