



Application No: 161296

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

Scale (approx): 1:1250

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7.3 Case Officer: Lucy Mondon**Due Date: 21/10/2016****Site:** Jacks, 5 St Nicholas Street, Colchester, CO1 1LB**Application No:** 161296**Date Received:** 9 June 2016**Agent:** Purcell**Applicant:** Colchester Borough Council**Development:** Change of use to 7 flats and a flexible A1/2 or A3 use, including first-floor extension, three-storey rear extension, and roof extensions.**Ward:** Castle

Summary of Recommendation: Subject to no objections being raised by the Council's Environmental Protection team and Council's Archaeological Adviser, the Head of Service be authorised under delegated powers to grant planning permission subject to the following conditions and any conditions subsequently recommended by the aforementioned consultees as necessary.

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issues explored below are: principle of development; design and impact on the character of the area (including impacts upon the Conservation Area and a Locally Listed Building); impact on residential amenity; impact on parking and highway safety; archaeology; and flood risk.
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

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, currently used as a shop at ground floor with storage areas above, run by the charity Bridge Way. Previously the property was better known as 'Jacks', a supplies store which ran from 1946 to 2013. 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.
- 3.3 The site does not include any private outdoor space, other than an outdoor 'roof terrace' above an existing single-storey extension (built in the late 1930s) which looks over a large flat roofed extension of No's 61, 61a, and 62 High Street (an electrical store and two vacant restaurants respectively).

4.0 Description of the Proposal

- 4.1 The proposal is for a three storey rear extension (to replace an existing single-storey extension); first-floor rear extension (with rooms in the roof) along Culver Street East; and change of use of an existing A1 (retail) property to a flexible A1 (retail), A2 (professional services), or A3 (café) and seven residential flats. The uses would be arranged as follows:

Ground Floor

- A1/A2/A3
- One bedroom flat
- Residential cycle store
- Residential bin store

First Floor

- 2 No. one bedroom flats
- 1 No. two bedroom flat

Second Floor

- 2 No. one bedroom flat
- 1 No. two bedroom flat

- 4.2 As well as existing and proposed floor plans, elevations, and sections, the application is accompanied by the following:
- Design and Access Statement (May 2016)
 - Heritage Impact Assessment (May 2016)
 - Street Frontage Uses Plan (Drawing No. 003)
 - Archaeological Desk Based Assessment (August 2016)
 - Archaeological Monitoring and Recording Report (August 2016)
 - Environmental Noise Survey and Assessment (Report No. 17155-1, 25th August 2016)

5.0 Land Use Allocation

- 5.1 The premises are currently being used as a shop (A1) at ground floor with storage areas to the remaining floors.

6.0 Relevant Planning History

- 6.1 The property has undergone a great deal of internal alteration that would not have required planning permission, such as altered floor levels and removal of internal walls. Previous planning permissions include a new shopfront (refs: 13101 and 14866) and a neon box sign (ref: A/COL/26/58) in the 1950s.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2a - Town Centre
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP6 Colchester Town Centre Uses
DP11 Flat Conversions
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Cycling Delivery Strategy

8.0 Consultations

- 8.1 Highway Authority: The Highway Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to conditions requiring details of cycle parking and a detailed sustainable transport mitigation package. The package will need to provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site.

- 8.2 Planning Policy: No comments received.

- 8.3 Environmental Control (Following receipt of the noise report by noise.co.uk, Report No. 17155-1): The external noise levels are high, as would be expected in a town centre location, and therefore to achieve internal noise levels windows would need to be of a high acoustic specification. The recommended acoustic treatment to the party wall should provide satisfactory internal levels, although alternative ventilation would be required so windows could be kept closed. Details will be required via condition.

It has been noted that there is no information regarding vibration which is a cause for concern as the party wall is shared by a venue which has live and recorded music.

Sound insulation; self-closing doors; methods to control fumes and odours; and grease traps are required by condition. [Officer Note: Environmental Control has also recommended a condition to control the levels of luminance of any illuminated signage. As no signage is proposed, and would be subject to separate legislation (the Town and Country Planning (Control of Advertisements) Regulations 2007), the condition is considered to be unnecessary and therefore unreasonable to include.]

- 8.4 Archaeological Adviser:

An adequate archaeological desk-based assessment has been submitted. An indicative foundation proposal plan has also been submitted that shows piled foundations across the entire building/site. Historic England specify that new piling impact should be kept to a minimum 'and a loss of no more than 2% of the site should be the target'. The current piling design for 'Jacks' will result in a loss of 13% and is, therefore, unacceptable (40 30mm diameter piles spaced pretty uniformly across the entire site). The engineer needs to produce a foundation design scheme that dramatically reduces the impact.

I would suggest that less damaging raft foundations are considered. Alternatively, it may be possible to increase the diameter while reducing the overall number of piles, with full archaeological excavation of pile locations in advance (via condition). This will increase the local impact but reduce the overall/cumulative impact.

They should also be aware that there is high potential for encountering the remains of Roman wall foundations on this site that will cause an obstruction to piles – and so the locations may have to be altered depending on the results of archaeological excavations (any intact wall remains and intact mosaic (& similar) floors should be preserved in situ and not piled through).

- 8.5 Historic Buildings Officer: The low gabled and jettied frontage, which is the principle feature of the building, would be largely unaltered, although it is proposed to install new shop doors. I do not consider that these would make any substantial difference to the character of the building, although good detailing will be required. It would be preferable if the proposed roof light in the roof of this range could be omitted or relocated to a less prominent place. [Officer Note: the position of the rooflight has been amended accordingly]

It is proposed to add a steeper roof above the adjoining single-storey adjacent building. While this would be quite visible in the street scene, the impact would not be detrimental. At the pitch proposed, the roof should be clad with clay plain tiles, however, rather than slate.

The alterations to the three-storey adjacent range (c.1920) would not greatly affect its character, and would be acceptable, subject to joinery detailing.

The interior of the building has been considerably altered in the past and little of historic interest remains. The 'Heritage Impact Assessment' recommends that the recording of the interior would be appropriate.

- 8.6 Urban Designer:
- The proposed back of the pavement ground floor apartment would conflict with the narrow town centre street. The resulting lack of town centre frontage to Culver Street East would also be detrimental to the vitality and viability of the street, contrary to DP6 Colchester Town Centre Uses of Colchester's Development Policies, noting the site is in the Outer Core Town Centre and the opposite side Culver Street East is in the Inner Core. The use of the street will increase given it directly links to the emerging St Botolphs Quarter and there is potential for further redevelopment.
 - The central flat roof area appears unnecessary construction-wise, contradicts the historic roofscape in form, material and colour, and would form part of the visible roofscape from upper floors of other town centre buildings now or in the future.
 - Culver Street East appears too domestic and lacks proper shop front presence.
 - No private amenity space is provided and despite units 3 and 6 essentially being 2 bed apartments, though site constraints suggest it would be difficult to accommodate such space in a meaningful sense and without adverse impact. Its unclear whether the existing 'roof terrace' provides (/ potential) amenity or is simply a flat roof?
 - Units 2 and 5 have windows onto a lightwell, raising noise transfer concerns.

[Officer Note: these points are addressed in Section 15.0 of the report]

8.7 Colchester Civic Society: No comments received.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 No comments have been received.

10.0 Representations

10.1 No comments have been received.

11.0 Parking Provision

11.1 Development Policies DP12 and DP19 require new residential development to provide vehicle parking (including secure cycle and motorcycle parking) to an appropriate standard in accordance with the Council's Adopted Supplementary Planning Document 'Vehicle Parking Standards'. The adopted Vehicle Parking Standards require the following:

For residential: A minimum of one car parking space and one cycle space per one-bedroom dwelling and two car parking spaces and one cycle space per two-bedroom dwelling. A minimum of 0.25 visitor car parking space is required per dwelling.

For commercial uses, the requirements differ depending upon the use class.

For A1 (shops): A maximum of one car parking space per 20 square metres floorspace and a minimum of one cycle space per 400 square metres for staff and one cycle space per 400 square metres for customers; one powered two-wheeler space, plus one space per 20 car parking spaces; and three disabled bays or 6% the total capacity of car parking spaces, whichever is greater.

For A2 (financial and professional services): A maximum of one car parking spaces per 20 square metres floorspace and a minimum of one cycle space per 100 square metres for staff and one cycle space per 200 square metres for customers; one powered two-wheeler space, plus one space per 20 car parking spaces; and two disabled bays or 5% of the total capacity of car parking spaces, whichever is greater.

For A3 (restaurants and cafes): A maximum of one car parking space per five square metres floorspace and a minimum of one cycle space per 100 square metres for staff and one cycle space per 100 square metres for customers; one powered two-wheeler space, plus one space per 20 car parking spaces; and three disabled spaces or 6% of the total capacity of car parking spaces, whichever is greater.

11.2 In following the parking standards the proposal would need to provide (as a minimum) eight car parking spaces, two visitor car parking spaces and seven cycle spaces for the residential element; and two cycle spaces, three disabled spaces (two disabled spaces for an A2 use), and one powered two-wheeler space for the commercial element.

- 11.3 The proposal does not include any car parking facilities, although seven cycle spaces would be provided for the residential element of the proposal. Development Policy DP19 allows for a lower standard to be acceptable where it can be clearly demonstrated that there is a high level of access to services, such as a town centre location, which is the case here. The provision of cycle spaces is supported. The absence of car parking facilities is not considered to be a reason for refusal in this case, given this is a highly accessible site in a town centre location with a great deal of services and amenity facilities in close proximity. The detailed 'sustainable transport mitigation package', that is recommended as a condition, would provide details of sustainable transport modes (e.g. bus and rail travel; cycling; walking; taxi travel; car sharing; and community transport) in the vicinity of the site to future occupiers in order to mitigate any increase in private vehicular use.

12.0 Open Space Provisions

- 12.1 The proposal does not incorporate any public or private open space.
- 12.2 There is no requirement for a contribution towards open space as Government policy states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm as set out in the Written Ministerial Statement of 28th November 2014 (given legal effect by the Court of Appeal on 13th May 2016).

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 Development Team and 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 (S106) of the Town and Country Planning Act 1990. In addition, please refer to paragraph 12.2 above.

15.0 Report

Policy Considerations and Principle of Development:

- 15.1 The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development and this is reflected in the Local Plan. Within the Local Plan, Core Strategy Policy SD1 seeks to focus growth towards the most accessible and sustainable locations in the Borough. The Strategy establishes a Settlement Hierarchy to guide development towards the most sustainable locations and the town centre is at the top of this hierarchy. Further, Core Strategy Policy CE2a specifically encourages development and regeneration in the town centre. Therefore, the proposal, for development within an identified sustainable location, is considered to be acceptable in principle.

- 15.2 The proposal includes the potential for a change of use of the ground floor from retail to an A2 Professional Services or A3 Café/Restaurant. In considering the potential loss of retail premises, Development Policy DP6 deals specifically with Colchester town centre uses and states that a balance will be maintained between retail and non-retail uses in order to retain the town centre vitality and viability. With regards to the Outer Core, the policy states that a greater mix of retail and non-retail uses is appropriate, although the Council will seek to maintain at least 50% retail use on each street frontage. Alternative appropriate non-retail uses, particularly A2, A3, and D1 uses, will also be supported provided that they contribute to the vitality of the town centre and would result in: no more than 50% of the street frontage being used for non-retail purposes; no more than three consecutive non-retail uses in the street frontage; and no loss of active street frontage. A plan has been submitted with the application (Drawing No. 003) that demonstrates that, should the premises be used for an A2 or A3 use: 66.7% of the street frontage (in this case, the eastern side of St Nicholas Street and Long Wyre Street) would remain in retail; and the change in use would not result in more than three consecutive non-retail uses in the street frontage. The change of use would not result in the loss of active street frontage. The proposal is therefore considered to accord with Development Policy DP6 in terms of appropriate town centre uses.
- 15.3 Core Strategy Policy H1 expects housing delivery to contribute to the achievement of sustainable development that gives priority to new development in locations with good public transport accessibility and/or by means other than private car and previously developed land. Development 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 uses. The proposal for residential flats on the upper floors of the building in a highly accessible site is therefore considered to be acceptable in principle, subject to other material planning considerations. A flat is proposed on the ground floor of the building, fronting onto Culver Street East, and it is considered that this is adequately justified in terms of the viability of the scheme, as well as its impacts upon the character of the street scene, discussed in more detail below.

Design and Impact on the Character of the Area

- 15.4 Core Strategy UR2 seeks to promote and secure high quality and inclusive design in all development to make better places for both residents and visitors, with Development Policy DP1 requiring all development to be designed to a high standard; respecting and enhancing the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape setting and detailed design features. In terms of wider impact, Core Strategy CE2a states that the town centre core contains important historic character which must be protected and enhanced by development, an objective echoed by Core Strategy policy UR2. Development policy DP14 states that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural, or artistic interest. The policy goes on to state that, in all cases, there is an expectation that any new development will enhance the historic environment in the first instance, unless there are no identifiable opportunities available.

- 15.5 No. 5 St Nicholas Street is a characterful property, which is locally listed and therefore a heritage asset as defined by the NPPF. It is also located within a Conservation Area and therefore contributes to the overall historic significance and character of its surroundings. As described in paragraph 3.1 above, the principal feature of the property is its frontage to St Nicholas Square, with a jettied first and second floor and large first-floor window. This elevation would remain relatively unchanged as a result of the conversion; the jetty feature would remain, as would the large first-floor window, albeit repaired. The proposal includes a new front door and details of this would be required by condition to ensure that it is appropriate to the character of the building and thus the character of the surrounding Conservation Area is preserved, and indeed enhanced. Details of all new and replacement windows and doors are required by condition.
- 15.6 The main, publically visible, change to the building would be the proposed extension over the existing single-storey element of the building along Culver Street East, which would also involve changes to the existing fenestration at ground floor level as part of the residential element of the scheme. The fenestration along Culver Street East would have a somewhat domestic appearance and the Council's Urban Designer has expressed concern at the lack of any shop front presence. However, the proposed appearance is not considered to detract from an 'active frontage' as Culver Street East mainly consists of boarded up or rear accesses to shops on the High Street, and also provides access to the service yard to Sainsburys on Priory Walk. Further, the Heritage Impact Assessment submitted with the application shows details of when this part of the building was originally constructed (in 1897 and then extended in 1920) with a domestic appearance in terms of window and door design. The external appearance of the building has long since changed, but it is an indication that the street did, at one time, have a more domestic appearance.
- 15.7 The Council's Historic Buildings Officer has assessed the application and concluded that the alterations proposed would not greatly affect the character of the building, subject to detailing (which can be conditioned).

Residential Amenity

- 15.8 Development Policies DP1 and DP12 state that development proposals must protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. With regards to private amenity space and open space provision for new residential development, Development Policy DP16 requires all new residential development to provide private amenity space to a usable and high standard, designed to avoid overlooking. The policy goes on to set out garden size standards, with flats requiring a minimum of 25 square metres per flat provided communally.
- 15.9 The proposal does not include any private, or communal, outdoor space. This is considered to be typical in a town centre location. Given the close proximity to Castle Park and other leisure facilities within the town centre, future residents would have access to places for outdoor leisure time. Taking this into account, the lack of private garden space is not considered significant so as to recommend refusal of the application.

- 15.10 There are not considered to be any issues regarding lack of privacy or overlooking, as windows do not look into each other. There are also not considered to be any issues regarding lack of daylight or sunlight to living accommodation, as windows are provided to all habitable rooms.
- 15.11 The building is adjacent to an existing bar and restaurant (Three Wise Monkeys) and would potentially have a café/restaurant use at ground floor. Therefore, matters of noise and disturbance to future residents on the upper floors has been considered. A noise survey has been submitted as part of the application. The conclusions of the noise survey are considered to be acceptable as the survey demonstrates that acceptable noise levels can be achieved via mitigation (i.e. noise insulation and option of keeping windows closed whilst still having sufficient ventilation), which can be conditioned. In terms of fumes and odours, details of flues, vents and extraction equipment would be required by condition.
- 15.12 Environmental Protection have commented that no information has been submitted regarding vibration. This is currently being explored further and Environmental Protection will comment on this matter in due course.

Highway Matters

- 15.13 The Highway Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the application subject to conditions requiring details of cycle parking (number, location, and design) and the provision of a sustainable transport mitigation package. These conditions have been incorporated into the recommended conditions.

Archaeology

- 15.14 Core Strategy Policy UR2 and Development policy DP14 seek, inter alia, to protect archaeological sites from inappropriate development by requiring archaeological assessments on development sites that possess known archaeological deposits, or where it is considered that there is good reason for such remains to exist.
- 15.15 The Council's Archaeological Adviser has confirmed that the application site is located in an area of high archaeological importance as defined in the Colchester Historic Environment Record (HER). It is within the centre of an historic settlement, close to the site of the Roman Temple of Claudius (which later became the Medieval Castle) and adjacent to the site of St Nicholas's Church. There is high potential for encountering important Roman and medieval occupation remains at this location, which has not been the subject of previous intensive modern redevelopment and/or previous systematic archaeological investigation. There is a need to ensure that the impact of below-ground works on buried archaeological remains is minimised.

15.16 Currently, the indicative foundation proposal plan submitted shows piled foundations across the entire building/site. Historic England specify that new piling impact should be kept to a minimum 'and a loss of no more than 2% of the site should be the target'. The current piling design would result in a loss of 13% (a total of forty 30mm diameter piles spaced uniformly across the entire site) and is, therefore, unacceptable in terms of the protection of archaeology required by the aforementioned local plan policies. The Council's Archaeological Adviser has requested a revised foundation design scheme that dramatically reduces the impact. Discussions are ongoing with the Agent (Purcell) in order to establish an alternative foundation scheme.

Flood Risk

15.17 Development policy DP20 seeks to minimise the risk of increased flooding as a result of development.

15.18 The site is located within Flood Zone 1 and the application has been assessed in line with the NPPF and Environment Agency Standing Advice. As a site within a Flood Zone 1, it is unlikely to be susceptible to flooding and the development would not contribute to surface water flooding. Consequently, no mitigation is considered to be required.

16.0 Conclusion

16.1 The proposal is considered to be acceptable in terms of the principle of the uses in a town centre location; the sustainability and accessibility of the site; its design; and highway implications, all subject to conditions. The only outstanding matters are the impacts to future residents from vibration from the adjacent bar/restaurant and potential impacts on archaeology. A recommendation of approval is proposed provided that there are no issues resulting from investigations into levels of vibration from the adjacent bar and a satisfactory foundation scheme can be put forward that limits ground disturbance and allows localised archaeological investigation to be undertaken as required by condition.

17.0 Recommendation

17.1 That, subject to no objections being raised by the Council's Environmental Protection team and Council's Archaeological Adviser, the Head of Service be authorised under delegated powers to grant planning permission subject to the following conditions and any conditions subsequently recommended by the aforementioned consultees as necessary.

18.0 Conditions

1 - 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 - *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 001, 200, 201, 221, and 223, received on 25th May 2016; Drawing Numbers 202 Revision A, 220 Revision A, and 300, received on 26th July 2016; and Drawing Numbers 203 Revision B and 222 Revision A, received on 5th August 2016.

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

3 - Materials

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials (including samples as necessary) to be used in the construction of those works shown on drawings 220 Revision A and 221 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. In all other respects, the external facing and roofing materials shall match in colour texture and form those used on the existing building as stipulated in the approved drawings.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4 – Window and Door Details

Notwithstanding the information submitted, no works shall take place (except for underground enabling works) until additional drawings (at a scale between 1:5 and 1:50 as appropriate) of the architectural features have been submitted to and approved in writing by the Local Planning Authority. These drawings shall include details (including materials to be used) of the new and/or replacement external doors, door cases, windows (including depth of recess and method of opening), sills, lintels, eaves, barge boards, chimney stacks or other roof features, recessed or projecting brick work, and projecting features to be used. The development shall be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure that the character and appearance of the area is not compromised by poor quality architectural detailing.

5 - Details of Chimneys, Flues, Extract Ducts, Vents, etc

Prior to the commencement of any works, details of all new or replacement external chimneys, flues, extract ducts, vents, mechanical ventilation, grilles and meter housings shall have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the area.

6 - Details of Cycle Parking Facilities

Prior to the commencement of the development the details of the design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be secure, convenient and covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

7 - Transport Mitigation Package

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit. Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

8 – Noise Mitigation

Prior to the residential (C3) units being first occupied, the noise mitigation measures, as set out in Section 9 of the Noise.co.uk Environmental Noise Survey and Assessment Report (Report No. 17155-1-R1) shall be carried out and completed.

Reason: In the interests of residential amenity in terms of noise reduction.

9 – Self Closing doors

Prior to the first use or occupation of the development hereby permitted, all doors allowing access and egress to a A3 premises shall be self-closing and shall be maintained as such, and kept free from obstruction, at all times thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

10 - Food Premises (Control of Fumes and Odours)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

11 - Grease Traps Required

Prior to the first use of the A3 development hereby permitted, any foul water drains serving the kitchen shall be fitted with grease traps that shall at all times thereafter be retained and maintained in good working order in accordance with the manufacturer's instructions.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

12 – Rooflights

Notwithstanding the submitted details, the 3 No. rooflights on the southern elevation, as shown on drawing 220 Revision A, shall be conservation rooflights installed with flush flashing kit.

Reason: In the interests of preserving the character and appearance of the area.

13 – Secondary glazing

Prior to any secondary glazing being installed, details showing how any glazing bars, sills, rails and frames relate to the corresponding existing windows shall be submitted to and approved, in writing, by the Local Planning Authority. The secondary glazing shall then be installed as approved prior to the occupation of the relevant residential (C3) unit.

Reason: In the interests of the character and appearance of the locally listed building and surrounding Conservation Area.

14 - Opening Hours (A3 Use Only)

The A3 use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Monday - Thursday: 0800-2300

Fridays and Saturdays: 0800-0000

Sundays and Public Holidays: 0800-2300

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

19.0 Informatives

(1) **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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **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

(4) Transport Mitigation Packs: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

(5) Highway Works: All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(6) Informative regarding reuse of materials: It is recommended that, where possible, existing materials are salvaged and reused as part of the development in the interests of the historic character of the locally listed building.

20.0 Positivity Statement

20.1 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.