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Item No: 7.4

Application: 163159

Applicant: Mrs C. Cottey

Agent: Mr Edward Gittins

Proposal: Change of Use of rear of ground floor from A3 to C3; retention of A3 use to front of ground floor. Alterations comprising new window and roof lights, the removal and repositioning of internal wall partitions and insertion of new staircase.

Location: 5 High Street, Wivenhoe, Colchester, CO7 9BJ

Ward: Wivenhoe

Officer: Bruce Obrien

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Rosalind Scott along with application 163158.

2.0 Synopsis

- 2.1 The key issues for consideration are the possible internal and external alterations to the Listed Building.
- 2.2 The Listed Building application is subsequently recommended for approval.
- 2.3 The broader Planning issues are dealt with under Planning application 163158, which is also before Members tonight.

3.0 Site Description and Context

- 3.1 The site is within the historic core of Wivenhoe, a Conservation Area. The site contains a semi-detached listed building, previously trading as 'The Old Bake House' restaurant, with one residential flat covering the first and second floors.
- 3.2 The building has two-storey and single-storey extensions to its rear and a courtyard area. To the Southern side of the courtyard is an attached, double garage building which has access onto Anchor Hill. There is a small roadway to the West that serves a rear courtyard area.
- 3.3 The surrounding area has a mix of other eateries, retail and residential use buildings, many listed, all historic.
- 3.4 The building is timber-framed, rendered with a clay peg roof. Windows are of timber and multi-paned. The rear extensions are finished in a combination of weatherboard and render, with clay peg and pan-tiled roofs.
- 3.5 The front of the building is currently in the form of a traditional retail/commercial frontage.

4.0 Description of the Proposal

- 4.1 The proposal is for minor internal and external alterations to the Listed Building. These alterations would include the insertion of a new internal staircase, the formation of new stud walling, the insertion of two windows within the walls of the dwelling, roof lights to the rear elevation of the garages and new slate tiles to the lean-to section of the rear of the building.

5.0 Land Use Allocation

- 5.1 The land is currently designated as a mixed use site, comprising A3 restaurant use and C3 residential use. The site, though on a High Street and comprising commercial element is designated within the Colchester Borough Council Proposals Map as residential.

6.0 Relevant Planning History

- 6.1 The site has an extensive history some of which is relevant to the decision regarding this proposed development.
- 6.2 In 1984 the building was given approval to become a restaurant from a shop. In 2005, an application for a scheme to change the building to wholly residential, was approved, as below:

C/COL/05/1117 - Change of use from mixed use of Classes A3 (Restaurant) and C3 (Dwelling) to Class C3 - two dwelling units. Approved 16/08/2005.

LB/COL / 05/1228 - New windows. Removal and repositioning of internal wall partitions and insertion of new staircase. Approved 20/10/2005.

- 6.3 In 2016, eleven years after the previous approval, a scheme to change the building to two residential flats, both of two/three bedrooms, was refused under application number **161761**.

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
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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction
Wivenhoe Town Plan and Executive Summary

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 Historic Buildings Officer did not object.

9.0 Parish Council Response

- 9.1 Wivenhoe Town Council:
The Town Council do not refer to Listed Building issues within their objection statements.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 The Wivenhoe Society has objected to the replacement of the tiles on the lean to section of the roof, from clay pantiles to slate.

OFFICER COMMENT - This change of roofing material is deemed acceptable by the Conservation Officer at CBC.

11.0 Parking Provision

- 11.1 Not relevant to this listed building application.

12.0 Open Space Provisions

12.1 Not relevant to this listed building application.

13.0 Air Quality

13.1 Not relevant to this listed building application.

14.0 Planning Obligations

14.1 Not relevant to this listed building application.

15.0 Report

15.1 The main issues in this case relate to the special interest of the Listed Building. Our Historic Buildings Officer has assessed the scheme and does not have any objections. The principle of the development is, therefore, acceptable in Listed Building terms.

15.2 As outlined in the submitted Heritage statement, all alterations, both internal and external are minor and will not create substantial harm. Conditions will be placed on any approval in order to address any issues that have not been raised in the Heritage statement.

15.3 The external features remain largely unchanged apart from minor alterations that would have limited detrimental effects to the building. It is not believed that any historic fabric will be unduly disturbed as a result of the proposed scheme, though an investigative condition will be placed on any approval.

16.0 Conclusion

16.1 To summarise, the proposed Listed Building alterations are minimal and would be considered acceptable by the CBC Heritage Officer.

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. ZAB - Time Limit for LBCs

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. 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 1606/02/E, 1606/03/B, 1606/07/B and 1606/05/B unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3. ZOO- Joinery Details

Prior to the commencement of any works, 1:5 elevations and 1:2 sections of glazing bars including glass details for all new windows shall have been submitted to and approved in writing, by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

4. ZOO- Staircase Details

Prior to the commencement of any works, 1:5 sections of staircase and balustrade details shall have been submitted to and approved in writing, by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

5. ZMU- Roof lights

The roof lights hereby approved shall be of the “conservation” type with a single vertical glazing bar and mounted flush with the roof slope with flush flashing kit coloured black.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

6. ZOO- Making Good

All new and disturbed surfaces shall be made good at the time of development using materials of matching finish and composition to that found in adjacent areas of undisturbed historic fabric.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

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.

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.

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.