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Item No: 7.3

Application: 163158

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 O'Brien

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee as it has been called in by Councillor Rosalind Scott. The Councillor reflects the objection statements made by Wivenhoe Town Council that are mentioned below.

2.0 Synopsis

- 2.1 The key issues for consideration are the proposed change of uses within the building and the suggested alterations to the Listed Building. Issues regarding parking provision, amenity space and designated use are also addressed.
- 2.2 The application is subsequently recommended for approval.
- 2.3 Listed Building application 163159 is also before Members as a separate, but linked, item.

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 pantiled 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 a change of use within the rear of the ground floor of the building and minor internal and external alterations. This application deals with the proposed change of use.

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 High Street and comprising a commercial element, is designated within the Colchester Borough Council Proposals Map as being within a predominantly residential site.

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
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2b - District Centres
UR2 - Built Design and Character
TA5 - Parking

- 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
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP7 Local Centres and Individual Shops
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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 None received.

9.0 Parish Council Response

- 9.1 Wivenhoe Town Council (WTC) has objected, referring, in the main, to the previously refused application which was for the change of use of the building to two residential units.
- 9.2 WTC also refers to a previous refusal reason relating to the mix on the High Street and the maintenance of vibrancy and vitality, and it states that there is a demand for restaurants in Wivenhoe.
- 9.3 WTC has also raised the issue of parking for the building.

OFFICER COMMENT - The applicant has provided proof that the restaurant was not a viable business and it has now closed. The applicant aims to resume a small restaurant business, trading under a different business model, within the amended space.

The applicant has agreed to alter the scheme to bring in part of the courtyard, for use as a parking space.

The retention of the commercial unit would mean that the change of use would not contravene the policies mentioned by the Town Council, which relate to the prior application. This will be discussed in more detail.

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.

Three local residents have objected to the loss of a restaurant in the area and its subsequent, possible loss of employment. However, the restaurant is no longer a viable business and fails to compete with other local establishments and any replacement business may provide an employment alternative.

- 10.2 The Wivenhoe Society (WTS) has also stated that it objects to the proposal due to the loss of commercial space and the intended uses that are proposed. It feels that the proposed development would take economic and social aspects away from the High Street.
- 10.3 The Society believes that a four bedroom dwelling is proposed and that parking will be adversely affected.
- 10.4 WTS also lodged a second objection to amendments relating to the proposed parking space.
- 10.5 The Society also object to the replacement of the tiles on the lean-to section of the roof, from clay pantiles to slate.

OFFICER COMMENT - The issue of roofing materials is dealt with within the Listed Building application.

The claim that there will be a reduction in employment remains to be proven, depending on the future success, or not, of the proposed business.

WTS' reference to four bedrooms is an error; the proposal is for a two bedroom dwelling, the same bedroom arrangement as is existing, and a further parking space will be provided.

11.0 Parking Provision

- 11.1 There is currently no parking provision for the users or occupants of the building. Despite the scheme remaining as a two bedroom property, the proposal suggests the use of part of the courtyard, as a parking space. This has been agreed as the best option with the Highways Authority.

12.0 Open Space Provisions

- 12.1 The property has a courtyard amenity area. This facility will now only be accessed by the residential part of the building. Part of the space would be used for parking, the other part as a sitting-out area. Such limited, courtyard, amenity space is not out-of-keeping with the historic grain of the area.
- 12.2 The applicant has submitted revised plans for the storage of refuse from the new restaurant space. This is provided by an area adjacent to the commercial space, within a side alleyway.

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

The Principle of Development

- 15.1 The principle of the development is acceptable within this area. The proposal aims to retain a commercial element and thus maintain the commercial mix within the High Street. The change to C3 at the rear of the ground floor, requires planning permission. The building is designated in the proposals map as being in a predominantly residential area.
- 15.2 There is an argument that the loss of a larger restaurant would adversely affect the vitality of the High Street. Whilst it is accepted that District Centres require an eclectic mix of businesses that serve the community, unfortunately, the ‘Old Bakehouse’ restaurant failed in its previous form, and alternatives are now sought.
- 15.3 It is also important to re-iterate – *this site is outside of the local district centre.*

Design and Layout

- 15.4 After a number of negotiated changes, the design is now considered acceptable. External features of the Listed Building would remain largely unchanged, apart from minor alterations. These are dealt with more closely in the Listed Building report.
- 15.5 The internal layout proposes an A3 commercial unit to the front of the building and C3 residential provision to the rear. The commercial unit would be approximately 19m², reduced from approximately 54m². The residential part of the property, though larger, would remain as a two-bedroom dwelling with one parking space and a courtyard garden. Refuse and parking provision is included in the plans.

Impact on the Surrounding Area and Neighbouring Properties

- 15.6 There will be minimal impacts on the surrounding area or neighbours. Although parking needs may increase as a result of a larger dwelling, one space would be provided.
- 15.7 The scale and form of the existing building will remain and in its current form poses no threat to overshadowing or overbearing to neighbours. Any new windows that may be inserted will not overlook neighbouring gardens.

Private Amenity Space Provision

- 15.8 Part of the courtyard garden will provide amenity space for the dwelling house.

Highway Safety and Parking Provisions (including Cycling)

- 15.9 The proposal aims to create a parking space within the rear courtyard area, accessed via existing gates from the roadway to the West of the site. This is an improvement on the current parking provision position.

16.0 Conclusion

- 16.1 To summarise, the proposal aims to retain an A3 presence on the High Street through the provision of a smaller eatery within a commercial unit. The current building houses a two bedroom apartment. A larger two bedroom dwelling is proposed through the change in use of the rear of the building to C3, using a proportion of the existing yet unused A3 space.

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 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.

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.

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.