



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: 7.2

Application: 170158

Applicant: Elizabeth Flood, Colchester Borough Council

Proposal: Demolition of St James' House and the Waiting Room.

Location: St James' House And The Waiting Room, Queen Street, Colchester, CO1 2PQ

Ward: Castle

Officer: Simon Cairns

Recommendation: Conditional Approval

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 and the site is owned by the Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of demolition on the character and appearance of this part of the Colchester Town Centre Conservation Area and how the site will be treated pending redevelopment.
- 2.2 The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 This application seeks the demolition of two buildings. The first, known as St James' House is a prominently sited corner building on Queen Street dating from 1968 and designed in a brutalist idiom that rises above the surrounding townscape with five stories of accommodation crowned by a water tank. The building was formerly a department store (Keddies) and has been disused throughout the last decade. Attached to the north is a brick building known as St James' House that is currently undergoing conversion to a boutique cinema and restaurants.
- 3.2 The second building is the former Waiting Room last used as a community arts centre and café in association with Firstsite. This building, as its name suggests, was formerly a passenger waiting room associated with the bus station use of the site. The building adjoins the Berryfield playing field to the rear and west which was created three years ago to provide a school facility by importing growing medium over the former bus station yard area. The waiting room together with the disused bus workshop buildings on the Queen Street frontage to the south (close to the junction with Priory Street) now provide the last evidence of the former bus station use.

4.0 Description of the Proposal

- 4.1 The proposal seeks the complete demolition of both St James' House and the Waiting Room buildings pending the redevelopment of the site.

5.0 Land Use Allocation

- 5.1 The site forms part of the mixed use central area allocation

6.0 Relevant Planning History

- 6.1 This redundant 1960's block has been empty for a number of years and has been extensively vandalised. The adjacent building Roman House is currently being converted into an arthouse cinema. Discussion is currently ongoing to redevelop the site of St James' House and the immediate surrounding area.

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
CE2 - Mixed Use Centres
CE2a - Town Centre
UR1 - Regeneration Areas
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
DP6 Colchester Town Centre Uses
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets

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:

SA CE1 Mixed Use Sites
SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area

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

The Essex Design Guide
Managing Archaeology in Development.
St Botolph's Masterplan
Air Quality Management Guidance Note, Areas & Order

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 **Historic England:** offer the following advice.

Summary

Planning permission is sought for demolition of the 1960s St James' House and the bus Waiting Room as part of major redevelopment proposals for the former bus station site, now known as St Botolph's Quarter in the Colchester Area One Conservation Area, that are currently at pre-application stage. The buildings are unlisted and have a negative impact on the character and appearance of the conservation area. Historic England would not - under normal circumstances and in accordance with guidance in the NPPF - wish to see the demolition of any building in a conservation area without an acceptable scheme for redevelopment being in place. However, in this specific instance we acknowledge that there would be no benefits to be gained by their retention and potential re-use and also that the future demolition of St James' House could impact on the adjacent Curzon Cinema development that is currently in progress. Historic England therefore have no objections to the application for demolition on heritage grounds.

Historic England Advice

Major redevelopment proposals comprising a mixed use scheme with a hotel, cinema, student accommodation and cafe/restaurant provision are at pre-application stage for the bus station site, now known as St Botolph's Quarter which lies between the Firstsite Gallery and Queen Street, the southern boundary of which is delineated by the Scheduled Town Wall. The site is in a sensitive position within the Colchester Area One Conservation Area and there are a number of important highly graded assets in close proximity. The site is also prominent in long views across the town, particularly from the south, and the tower of St Botolph's Priory is clearly visible from the site. The development will be prominent in reciprocal views from the Priory. The buildings that form the subject of this application are the five-storey 1960s red brick St James' House on the Queen Street frontage and the 1960s single-storey former bus station Waiting Room to the rear. Historic England, in accordance with paragraph 136 of the NPPF would normally expect the local planning authority not to permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the redevelopment will proceed after the loss has occurred.

However, unusually we are of the view that this part of the conservation area would be enhanced by their removal. Due to the Curzon Cinema scheme that is currently underway adjacent to St James' House, we are satisfied that there is clear and convincing justification for its demolition at this stage rather than following the approval of planning permission for the overall development, which will offer the opportunity to better reveal the significance of nearby heritage assets.

Recommendation

In this specific instance, Historic England would have no objections should your authority be minded to approve the application for planning permission for demolition of St James' House and the Waiting Room in advance of ensuring an acceptable replacement development is in place, as we consider their removal would enhance the appearance of the Colchester One Conservation Area.

8.3 **Contaminated Land Officer**, Environmental Protection comments

"I have no comments with respect to the *demolition only* of these buildings. Should there be any groundworks, or when the site is redeveloped, Environmental Protection would expect to see the minimum of an unexpected contamination condition included in any permission granted, suggested wording as below:

Reporting of Unexpected Contamination

In the event that any land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only recommence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason – The site lies on or in the vicinity of a former bus depot, garage and car park, where there is the possibility of contamination."

8.4 **Highway Authority** comments

"From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. HGV Routing plan
- vi. the means or method of protecting the travelling public within the highway whilst working from height above and adjacent to the highway

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works."

8.5 Archaeological Advisor comments

"This proposal is located in an area of high archaeological interest, defined in the Colchester Historic Environment Record (HER), within the historic walled town. The below-ground remains of Roman buildings are recorded on the sites of both St James' House and The Waiting Room. Any groundworks relating to the proposed development (i.e. removal of foundations) have the potential to damage any archaeological deposits that exist.

I have no objection to the demolition of the standing buildings down to ground level only, but no ground works should be undertaken until a full programme of archaeological investigation has been undertaken.

In this case, a trial-trenched archaeological evaluation will be required, once the existing buildings have been reduced to ground level, to establish the archaeological potential of the site.

Decisions on the need for any further investigation (likely to be full excavation before any groundworks commence) will be made on the basis of the results of the evaluation.

9.0 Parish Council Response

9.1 The area is not parished.

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 A single representation was received on behalf of the Colchester Cycle Campaign. (Will Bramhill). This raised no objection to the proposed demolition but requested:

- Replacement of bus shelter and lay by (in front of Roman House/Curzon Development;
- Enlarged layby given that the demolition permits the layby to be extended southwards at full width (and the current top end can then be a widened out pavement by the cinema entrance).
- Also necessary in public safety terms are:
- Restoration to use of the pelican crossing;

- Widening of the very narrow pavement on the east side of Queen Street between the top of the layby and the old Tourist Office.

(Officer comment: Given that this application only seeks the demolition of a long disused building, it would be unreasonable to seek unconnected improvements to the public realm and these improvements should in turn form part of future proposals to redevelop the site)

11.0 Parking Provision

- 11.1 Not applicable as demolition only is proposed.

12.0 Open Space Provisions

- 12.1 The demolition does not create a requirement for open space but will create a temporary space pending redevelopment.

13.0 Air Quality

- 13.1 The site is within an Air Quality Management Area and will generate a positive impact by opening up the eastern frontage of Queen Street thereby increasing air circulation and diluting particulates/pollutants.

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

- 15.1 The main issues in this case are:
- The Principle of Demolition;
 - Impact on the Surrounding Conservation Area;
 - Impacts on Neighbouring Premises;
 - Impact on Archaeology;
 - Mitigating unforeseen impacts.

Principle of Demolition

- 15.2 The application site is prominently located within the area of the historic walled town and within the Colchester No.1 Conservation Area. The statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area is the overriding consideration in the determination of this application for demolition. It is established practice that in the case of buildings that are judged to make a neutral contribution to character that the principle of demolition should be contingent on a satisfactory scheme for the redevelopment of the site. In rare cases where a building is judged to detract from the special character

of the area then demolition can be supported to deliver an enhancement without the provision of a replacement scheme. The principle of demolition is also established by the adopted St Botolph's Masterplan that anticipated the reinstatement of traditionally-scaled frontage development to the Queen Street frontage.

Impact on the surrounding Conservation Area

- 15.3 The uncharacteristic height, scale and brutalist architectural character of St James' House is considered to detract materially from the special character and appearance of the wider conservation area that is characterised by traditionally scaled and detailed buildings, lively roofscapes and fine grained, plot-derived development. In this case, St James' House intrudes upon the skyline by reason of its excessive height and blocky form in direct conflict with the traditional established pattern of development. It is for this reason that Historic England support the demolition even in the absence of a scheme for the redevelopment of the site. Whilst the Waiting Room building is set to the rear of frontage development to Queen Street and does not contribute to the townscape quality or historic character of the area. Hence the demolition of this relatively modest single storey structure is not considered material.

Impact on neighbouring premises

- 15.4 St James' House is attached to Roman House on its northern boundary. Roman House is in process of conversion to a Curzon boutique cinema and restaurants at ground floor level. It is considered that the early removal of the attached building will avoid future disturbance and disruption to the future operation of the Curzon Cinema associated with the demolition process. Curzon cinemas have in the past voiced concern over this possibility and the intention to proceed to demolition should help mitigate this eventuality. It is not yet known whether a fair-faced party wall exists between the two premises and for this reason a condition is proposed that would require an appropriate architectural treatment should the demolition expose an unsightly south gable façade.

Potential impact on archaeology

- 15.5 The application site lies within an area of known high archaeological potential. The Council's Archaeological Advisor has confirmed that no ground works should be undertaken until a full programme of archaeological investigation has been undertaken. The demolition process should not give rise to the need for ground works but should any be required then a condition is proposed that will require an appropriate scheme of archaeological investigation and mitigation. In this case, any redevelopment or ground works will require In this case, a trial-trenched archaeological evaluation will be required, once the existing buildings have been reduced to ground level, to establish the archaeological potential of the site in advance of redevelopment proposals.

Mitigating unforeseen impacts

- 15.6 Whilst the application seeks only demolition of unsightly buildings it is possible that there may be limited potential for ecological (Bats, nesting birds), archaeological and architectural impacts and conditions are proposed to address these eventualities.

16.0 Conclusion

- 16.1 To summarise, the proposed demolition would serve to enhance the character of this part of the Town Centre Conservation Area in conformity with relevant local plan policies, statute and best practice. Approval is consequently recommended.

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. Non Standard condition - Demolition Method Statement

No demolition or on site works whatsoever shall take place until such time as a Demolition Method Statement been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition period. The Statement shall provide details of:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading, unloading and storage of plant, materials and demolition arisings;
- iii. Hours of operation;
- iv. wheel and under body washing facilities;
- v. HGV Routing plan;
- vi. the means or method of protecting the travelling public within the highway whilst working from height above and adjacent to the highway;
- vii methods of dust control;
- viii noise and vibration control including maximum permissible noise levels measured at the site boundary;
- ix) demolition programme together with method and extent of demolition and details of any enabling works..

Reason: To ensure that the amenities of the area are protected during demolition and that on-street parking of associated vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Non standard condition - Reporting of Unexpected Contamination

In the event that any land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only recommence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of a former bus depot, garage and car park, where there is the possibility of contamination.

4. Non Standard Condition - Ecological mitigation

Prior to the commencement of demolition an ecological survey shall be undertaken to ascertain the presence of bats or nesting birds. In the event that their presence is confirmed, a mitigation strategy shall be submitted to and agreed in writing by the local planning authority and thereafter be implemented strictly in accordance with the agreed timetable.

Reason: To ensure that no adverse impact results to protected species having regard to the lpa's duty under the NERC Act 2000 and in conformity with policy ENV1 of the Adopted Core Strategy (2010, Revised 2014).

5. Non Standard Condition - Architectural mitigation

A detailed programme of works to make good all newly exposed surfaces of the adjacent building (Roman House) shall be submitted to and agreed in writing by the local Planning authority within one month of the commencement of development or in accordance with such other date as shall be agreed. The scheme shall include full details of materials (including colour, finish and method of fixing) and the detailed architectural treatment. The approved scheme shall be implemented strictly in accordance with the agreed programme and details.

Reason: The site is prominently located within the Colchester No.1 Conservation Area and it is essential that newly exposed surfaces of the attached building are made good to avoid any adverse visual impact pending redevelopment in accordance with policies UR1, ENV1 of the Adopted Core Strategy (2008, Revised 2014) and Adopted Development Policies DP1, DP14 (2010, Revised 2014).

6. Non Standard Condition - Scheme for intermediate use of site

Prior to the commencement of demolition, a scheme for the presentation of the site and maintenance programme following demolition shall be submitted to and agreed in writing by the local planning authority. The scheme shall provide full details of hard and soft landscaping proposals

(including all means of enclosure, surfacing, lighting, seating and street furniture) and a detailed planting schedule (including details of all ground preparation). The approved scheme shall be implemented within 3 months of the completion of on-site demolition (or such other date as shall be agreed in writing) and shall be implemented entirely in compliance with the approved scheme and thereafter maintained in accordance with the approved maintenance programme. Any planting that does or fails to become established within five years following planting shall be replaced with similar or in accordance with a variation agreed in writing by the local planning authority.

Reason: The site is prominently located within the Colchester No.1 Conservation Area and it is essential that this site is suitably presented and maintained pending redevelopment in accordance with policies UR1, ENV1 of the Adopted Core Strategy (2008, Revised 2014) and Adopted Development Policies DP1, DP14 (2010, Revised 2014).

7. Non Standard condition - Archaeological Mitigation

No ground works shall be undertaken otherwise than in accordance with the details agreed in discharge of condition 2 above as part of the Demolition Method Statement.

Reason: The site is known to have a high archaeological potential and it is essential that any ground works are strictly controlled to ensure that the heritage resource is not prejudiced in accordance with Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough SPD titled Managing Archaeology in Development.

18.0 Informatives

18.1 The following informatives are also recommended:

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. 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.

3. 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.

4 - Informative on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: <http://www.colchester.gov.uk>.

5 - Highways Informative:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.