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Item No: 7.5

Application: 171820

Applicant: Mr A Shelmardine

Agent: Miss L Bane

Proposal: Dutch Quarter replacement of windows to flats in Ken Cooke Court & Ball Alley

Location: 8 Ball Alley and, Ken Cooke Court, East Stockwell Street, Colchester, CO1 1FF

Ward: Castle

Officer: Daniel Cameron

Recommendation: Approval subject to conditions.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been submitted by Colchester Borough Homes (CBH).

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the proposed replacement windows and doors on the affected properties upon the character and appearance of the Colchester Town Centre Conservation Area 1.
- 2.2 The application is subsequently recommended for approval subject to the conditions outlined at the end of this report.

3.0 Site Description and Context

- 3.1 This application affects several unlisted post war CBH owned homes located within the Dutch Quarter at Ken Cooke Court. The development itself is composed of an inward looking courtyard of flatted properties with pedestrian and vehicular access with only a small number of properties facing out into the wider conservation area.
- 3.2 The properties at Ken Cooke Court are uniform in their adoption of a competently designed and simple elevations which mirror many of the features of the vernacular style of the wider conservation area; although the buildings are visibly of modern construction. The buildings are an honest interpretation of traditional building forms but echo and do not replicate traditional detailing.
- 3.3 The conservation area itself is notable for its dense concentration of listed and locally listed buildings. The majority of the listed buildings date from the medieval period, although they have been subsequently altered and re-fronted over time with the result being that traditional Georgian and Victorian architectural details now predominate. Materially, there is a dominant use of red brick, render and slender proportioned timber windows. The application site is characterised by simple modern, single paned windows with chunky sections that are clearly not historic.

4.0 Description of the Proposal

- 4.1 The proposed development is to replace the windows and street facing doors to all of the properties within Ken Cooke Court. Existing window details are common to all the affected properties and take the form of single glazed, timber windows finished with a dark stain and incorporating prominent trickle vents. At present the windows are showing signs of fatigue including some isolated instance of deterioration and rot.

- 4.2 The existing doors are not uniform, where they serve as front doors to properties these comprise four panelled doors with two lights, and where they serve as access doors to service areas, they are either fully timbered or timbered with louvers (depending on whether ventilation is required). Where the doors serve as access points to communal areas, they are heavily glazed with two large panes of glass. All doors are finished in a dark stain. The existing doors do show some limited signs of wear although not to the same extent as seen on the existing window frames.
- 4.3 It is intended within this application to replace the existing windows that face out into the public realm of the wider Dutch Quarter with double glazed, aluminium windows finished to be similar in appearance to those they are replacing. The use of aluminium allows for a slimmer frame to be utilised, more closely resembling the slender timber framed windows exhibited in the wider conservation area, without incurring disproportionate levels of cost. The windows which look inward towards Ken Cooke Court are proposed to be replaced with uPVC windows which generally replicate the form and profile of the existing windows and are again, proposed to be finished in a similar colour match to the existing windows.
- 4.4 The replacement doors are like for like replacements of the current doors and will be finished in a dark stain. They are solid timber doors set within aluminium frames.

5.0 Land Use Allocation

- 5.1 The existing land use allocation within the current Local Plan is predominantly residential.

6.0 Relevant Planning History

- 6.1 A number of planning applications have been before Planning Committee relating to the replacement of windows on CBH properties within the Dutch Quarter with the most recent being the replacement of windows and doors to properties at Ball Alley, John Ball Walk, Nunns Road, Shortcut Road, Walters Yard, Wat Tyler Walk, Stockwell and West Stockwell Street. The application was approved by Planning Committee in September 2016.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character
ENV1 - Environment

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP14 Historic Environment Assets

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 The Historic Buildings and Areas Officer has commented with regards to the impact of the proposed windows and doors on the character of the wider conservation area. It is noted that the use of double glazing will necessitate visually heavier section window frames. This would be the case with double glazing regardless of what material was used. They conclude that the impact of the change is minimal and also note that the appearance of many of the buildings will be improved through the removal of the existing windows with discordant top-hung vents which are alien in conservation terms. It was also noted that the removal of prominent trickle vents would be of benefit to the conservation area as these are also considered an alien feature; if necessary this could be secured by condition.

9.0 Parish Council Response

- 9.1 The application is located in an unparished town centre ward.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations were received.

11.0 Parking Provision

- 11.1 This application does not propose development which would require additional parking provision, nor does it reduce the amount of parking available in the immediate area.

12.0 Open Space Provisions

12.1 This application does not proposed development which would require additional open space to be provided, nor does it reduce the amount of open space available in the immediate area.

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

15.1 The main issues in this case are:

- The Principle of Development
- Detailed design
- Impact on the Conservation Area

15.2 As the properties affected by this application comprise flats, permitted development rights to replace the windows and doors to the various properties are not in place. However, regard should be given to the provisions established by The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Class A of Part 1 of Schedule 2 normally allows for the replacement of windows and doors to a given dwelling house provided that the materials used are of a sympathetic nature and are visually similar to those being replaced. It should be noted that the materials do not have to match the existing materials as confirmed by the Technical Guidance to the Order provided by the Department of Communities and Local Government.

15.3 Further, it should be noted that the presence of a conservation area does not affect these rights, but does impose a general duty on behalf of the Local Planning Authority under The Planning (Listed Building and Conservation Areas) Act 1990 to give special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 15.4 Local Plan policies support this aim, Core Strategy policy UR2 requires development to be informed by the context of its location and to provide high quality design. This policy along with Core Strategy policy ENV1 highlight the importance of the preservation and the safeguarding of the unique historic character of the Borough. Development Policies DP1 and DP14 also require a high standard of design from development proposals that serve to protect and enhance the historic environment.
- 15.5 The principle of the development is therefore predicated on the ability of the application to at least preserve the character of the surrounding conservation area. It is further clear that when considering the design of the proposed windows and doors, their visual appearance carries more weight than the material they are constructed from. To some degree, the choice of finish and colour may be of greater significance than the material in determining the visual impact of the windows.
- 15.6 In design terms the replacement windows would be broadly like-with-like with the existing. Although the inclusion of double glazing would necessitate a deeper section profile to the replacement windows, it is considered that in appearance this would be a marginal alteration from the existing and taken collectively would not constitute harm to the character of the conservation area. The appearance of the windows could be enhanced through the use of symmetrical or balanced frames; where fixed and opening lights are of the same thickness. The finish of the windows could also use a less artificial colour than the proposed mahogany-type brown finish. Alternatives could be considered through the use of conditions.
- 15.7 Existing issues with the current windows include their difficult and costly maintenance, their age and increasing state of wear, and their undesirable impact upon the amenity of the residents owing to issues around condensation and mould caused by the windows. Given that the majority of the properties are inhabited by social housing tenants of CBH, there is a clear public benefit to their replacement to both the properties themselves and to the residents.
- 15.8 In terms of the doors to be replaced as part of this application, they are also showing increasing signs of wear. This is creating issues for the occupants both regarding the security of the doors and their amenity as the doors are no longer wind tight.
- 15.9 The replacement doors are of a traditional appearance and are to be constructed in solid timber and again, are broadly of a like-with-like design. This should address both the amenity and security concerns of the residents.
- 15.10 In terms of their impact upon the conservation area it is considered that overall this would be minimal. The visual appearance of the windows facing into Ken Cooke Court would be similar regardless of the material they were constructed from. The broad, like-with-like design choice replicates the element of repetition created by the existing windows within the conservation area and would maintain this aspect of its character. The windows facing out into the wider Dutch Quarter would more effectively replicate the slender window proportions evident on many of the surrounding buildings. With regards to the doors, it is

considered that the appearance would sit well with the new windows and furthermore are of an appropriate design and finish to compliment the wider area.

16.0 Conclusion

- 16.1 To summarise, there are clear benefits of the scheme both for the living conditions of tenants of the properties and for the properties themselves. The design of the replacement windows is as close to the originals as possible, while providing the benefits of increased ventilation and the sound attenuation of double glazing. The doors should increase the security of the properties. The impact upon the character of the conservation area is minimal and there are no conflicts between the proposed works and existing national and local planning policy.

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 A-1516-PL-01 Rev A, A-1516-PL-02 Rev A, A-1516-PL-03 Rev A, A-1516-PL-06, A-1516-PL-08, A-1516-PL-09, A-1516-PL-10, A-1516-PL-11, A-1516-PL-12, A-1516-PL-13, A-1516-PL-Rev A, and A-1516-PL-14.

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

3. Z00 – Materials as Stated in Application, Non Standard.

The external facing materials to be used shall be those specified on the submitted application form, with the exception of those noted on Drawings A-1516-PL-02 Rev A and A-1516-PL-03 Rev A as being constructed in aluminum, which, for the avoidance of doubt, shall be constructed in Aluminum, unless otherwise agreed, in writing, with the local planning authority. Details of the proposed colour and finish of the windows and doors shall be submitted to and agreed in writing by the local planning authority prior to installation.

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

4. Z00 – Additional drawings showing details of Aluminum Windows.

Notwithstanding the details shown or implied by the approved drawings, no works shall take place until additional drawings (At a scale between 1:5 and 1:50 as appropriate) of the aluminum windows proposed and indicated on Drawings A-1516-PL-02 Rev A and A-1516-PL-03 Rev A, have been submitted to, and approved in writing, by the Local Planning Authority. These details shall include window sections, finishes and depth of reveal as well as cills and lintels where appropriate.

Reason: Insufficient details have been submitted to ensure the character and appearance of the conservation area is not compromised by poor quality architectural detailing.

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.