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Item No: 7.5

Application: 180718

Applicant: Mr A Sheldermine, Colchester Borough Homes

Agent: Ms Linh Bane, Inkpen Downie Architecture

Proposal: Replacement of windows.

Location: 6 and 8 Northgate Street, Colchester, CO1 1HA

Ward: Castle

Officer: Daniel Cameron

Recommendation: Approval subject to the conditions outlined within the report.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee as the application is being made on behalf of Colchester Borough Homes (CBH).

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the replacement windows upon the character of Colchester Conservation Area Number 1.
- 2.2 The application is subsequently recommended for approval subject to the conditions outlined within this report.

3.0 Site Description and Context

- 3.1 Northgate Street is located on the periphery of Colchester town centre at the edge of the Dutch Quarter. It runs roughly east to west and connects North Hill to the Ryegate entrance of Castle Park.
- 3.2 It sits within Colchester Conservation Area number 1, which 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. Locally listed buildings tend to date from later periods, mainly the mid 1800's to early 1900's and show a simple and polite character typical of vernacular development within Colchester. Materially, across both listed and locally listed properties, there is a dominant use of red brick, render and slender proportioned timber windows.
- 3.3 Numbers 6 and 8 Northgate Street are flats located within the same two-storey detached house. The property formed part of an infill development within the Dutch Quarter and is a polite red brick building, notable for a string course above the first floor of gault brick.

4.0 Description of the Proposal

- 4.1 It is proposed to replace the existing single glazed, timber framed windows at the two flatted properties with double glazed aluminium sash windows similar to ones being installed on other CBH properties within the Dutch Quarter. It is proposed to replace like with like in terms of openings.
- 4.2 It is also proposed to replace the existing street frontage doors to the two properties with hardwood alternatives. Both windows and doors to the properties are showing signs of wear and no longer draught proof.

5.0 Land Use Allocation

- 5.1 The wider site is currently allocated within the Local Plan as predominantly residential. The emergent Local Plan does not allocate the area for any specific use.

6.0 Relevant Planning History

- 6.1 This application represents one of a number that CBH have brought forward within the Dutch Quarter as part of project to renovate the windows and doors of properties there for the benefit of the tenants.

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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

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

The Essex Design Guide

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 Buildings and Areas Officer – The windows are now in poor condition, and it is proposed to replace and upgrade them to double glazing, as well as to replace the doors. The new windows would be in aluminium, and would have profiles similar to the timber ones and hence be acceptable. The drawings show trickle vents which detracts from their appearance. These should be omitted or concealed if possible.

- 8.3 In line with the comments of Historic Buildings and Areas Officer, a condition controlling the use of trickle vents will be imposed.

9.0 Parish Council Response

- 9.1 The application site sits within an unparished town centre ward. No comments are forthcoming.

10.0 Representations from Notified Parties

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

11.0 Parking Provision

- 11.1 N/A. This application does not affect the current level of parking provision at the property, nor will it lead to increased demand within the immediate area.

12.0 Open Space Provisions

- 12.1 N/A. This application does not affect the current level of open space at the property, nor will it lead to increased demand within 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;
 - Design;
 - Impact on the Surrounding Area; and
 - Impacts on Neighbouring Properties.
- 15.2 The properties affected by this application comprise a group of flats. As such permitted development rights for the replacement of windows are not established. That being said, regard should be given to the provisions contained within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class A of Part 1, Schedule 2 normally allows for the replacement of windows to a given dwelling house provided that the materials used are of a sympathetic nature. Technical guidance published with the Order make it clear that materials do not have to match those of the existing windows, but must be visually similar.

- 15.3 Further, it should be noted that the presence of a conservation area does not affect the above mentioned rights, but does impose a general duty on behalf of the Local planning Authority under The Planning (listed Buildings 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 their surroundings and to provide high quality design. This policy along with Core Strategy policy ENV1 highlights the importance of the preservation and safeguarding of the unique historic character of the borough. Development policies DP1 and DP14 respectively require a high standard of design from development proposals that serve to protect and enhance the historic environment.
- 15.5 The principle of development is therefore predicated on the ability of the application to at least preserve the character of the surrounding conservation area (to avoid harm). It is further clear that when considering the design of the proposed windows, 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 the in determining the visual impact of the windows.
- 15.6 In design terms the replacement windows are on a like-with-like basis with the existing. Although the inclusion of double glazing could necessitate a deeper section profile to the replacement windows, in this instance the use of Aluminium allows more slender sections than those of the existing timber sections and avoids harm to the conservation area.
- 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 of condensation and in some cases mould, which are attributable to the existing windows. Given that the residents of the affected properties are inhabited by social housing tenants of CBH, there is a clear public benefit to their replacement.
- 15.8 In terms of the impact of the proposed windows and doors upon the character of the conservation area it is considered that there would be a neutral impact. The visual appearance of the windows and doors are similar to the existing and it is judged that the change in window material would be acceptable as it mirrors the slender frames exhibited elsewhere within the area.

16.0 Conclusion

16.1 To summarise, there are clear benefits of the scheme both to the living conditions of the tenants of the properties and for the properties themselves. The design of the replacement windows is as close to the original as possible, while also providing modern window benefits including increased ventilation as well as heat retention and noise insulation. The impact upon the conservation area is neutral and would serve to help preserve its character. There are no conflicts with either existing national or 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 condition:

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. ZBB - Materials As Stated in Application

The external facing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

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

3. 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-PL2-01, A-1516-PL2 02 and A-1516-PL2 03 with the exception of the exposed trickle vents, which are omitted.

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

4. Z00 – Non-standard condition – Trickle Vents

The windows hereby approved shall be installed with concealed trickle vents.

Reason: To ensure that the approved development does not result in a negative impact upon the amenity of the conservation area

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.