



**Application No:** 161060

**Location:** Holly Cottage, Straight Road, Boxted, Colchester, CO4 5QN

**Scale (approx):** 1:1250

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**7.6 Case Officer: Simon Cairns    Due Date: 28/06/2016    LISTED BUILDING CONSENT**

**Site:**                    **Holly Cottage, Straight Road, Boxted, Colchester, CO4 5QN**

**Application No:**   **161060**

**Date Received:**   3 May 2016

**Applicant:**           Cllr Nigel Chapman

**Development:**    Proposed replacement of three window frames

**Ward:**                Rural North

**Summary of recommendation:** Conditional Approval

**1.0    Reason for Referral to the Planning Committee**

- 1.1    This application for listed building consent is referred to the Planning Committee because the applicant is a Borough Councillor.

**2.0    Synopsis**

- 2.1    The key issues explored below are the impact of the works on the special interest of the listed building.

**3.0    Site Description and Context**

- 3.1    The application relates to a grade II listed building comprising a detached thatched cottage dating from the seventeenth century. The house is of timber framed construction partly cased in later painted brickwork.

**4.0    Description of the Proposal**

- 4.1    The proposal seeks to replace three painted timber windows of recent origin with similar painted timber casement windows.

**5.0    Land Use Allocation**

- 5.1    The site is not allocated but forms part of the developed area of Boxted village.

**6.0    Relevant Planning History**

- 6.1    89/1381 & 89/1382: Planning permission and listed building consent granted in 1989 to join Holly and Box cottages to form one dwelling with extended kitchen and conservatory. Two of the three windows now proposed for replacement date from this period of alteration.

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character  
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP14 Historic Environment Assets  
DP22 Dedham Vale Area of Outstanding Natural Beauty

7.4 Further to the above, the Historic England Good Practice Advice Notes 1-3 should also be taken into account in the decision making process for listed building consent and development affecting the historic environment.

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Document: The Boxted Village Design Statement

## **8.0 Consultations**

8.1 None received

## **9.0 Parish Council Response**

9.1 The Parish Council had not submitted a representation at the time of drafting the report.

## **10.0 Representations**

10.1 None received to date.

## **11.0 Parking Provision**

11.1 N/A.

## **12.0 Open Space Provisions**

12.1 N/A.

### **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 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

### **15.0 Report**

- 15.1 This report will consider the statutory duty with regard to the determination of applications for listed building consent

- The justification for the proposed works; and
- The detailed form of the proposed replacement windows.

- 15.2 The Planning (Listed Buildings & Conservation Areas) Act 1990 requires at section 16(2) that the decision maker pays special regard to the desirability of preserving the building together with any features of special interest which it may possess. In this instance, the windows that are subject to this application are in themselves later replacements of previous, probably early Victorian casement windows. They possess no intrinsic interest beyond their contribution to the evolution of the external appearance of the cottage.

- 15.3 The windows to which the application relates are decayed and replacement is therefore justified subject to agreement regarding the detailed form of the windows. Section drawings have been submitted and these illustrate painted timber casements of single glazed construction. These details are considered generally acceptable subject to omission of the storm proofed detail (the opening light frame wraps over the main frame rather than finishing flush with the outer face). It is considered that this minor detail can be revised by condition (refer to condition 3 in the draft decision below.)

### **16.0 Conclusion**

- 16.1 The proposed works are justified and acceptable subject to slight revisions to the detailed form of the proposed windows. This matter can be appropriately controlled by condition.

### **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - 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 - External Joinery to be Painted Timber**

All external joinery shall be of painted timber.

Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application.

### **3 - Non-Standard Condition/Reason**

Notwithstanding the submitted joinery details, the proposed casement windows shall be of traditional rebated form and small omit the storm proof detail.

Reason: To ensure that the detailed form of the proposed replacement windows is based on historic precedents consistent with the character of the listed building in order to ensure that the works serve to preserve the listed building in accordance with section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

## **19.0 Informatives**

### **(1) ZUA – Informative on all listed buildings**

PLEASE NOTE: This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.