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Item No: 7.3

Application: 172984

Applicant: Mr A Shelmerdine

Agent: Ms Linh Bane

Proposal: Replacement of windows to flats

Location: 76-79 Maidenburgh Street, Colchester, CO1 1TT

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 the applicant is Colchester Borough Homes.

2.0 Synopsis

- 2.1 The key issue 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 laid out at the end of this report.

3.0 Site Description and Context

- 3.1 This application affects several CBH owned properties located within the Dutch Quarter at Maidenburgh Street which forms part of Colchester Conservation Area No.1. Maidenburgh Street runs north to south at the eastern edge of the Dutch Quarter adjacent to Ryegate Road and Castle Park and connects Northgate Street to High Street. It is notable that it is pedestrianised along for a short length of its course which lies approximately equidistant between its junctions at either end.
- 3.2 The affected properties are located along the pedestrianised run of Maidenburgh Street and form part of a modern infill development of flatted properties constructed of mixed brick and render.
- 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. 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.

4.0 Description of the Proposal

- 4.1 The proposed development is to replace the existing single glazed, timber two light and single light sash windows on the affected properties with double glazed, aluminium two light and single light sash windows. It is proposed to replace the windows on a like-with-like basis in terms of the openings and glazing proportions.

5.0 Land Use Allocation

- 5.1 The wider site is allocated within the current Local Plan as predominantly residential.

6.0 Relevant Planning History

- 6.1 This application forms part of a suite of applications regarding window and door replacement to CBH properties received in past two years. This represents the final application in this suite.

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 *Historic Buildings and Conservation Areas Officer – comments:*

The window detailing could change the architectural character of the host building by reason of the change in materials and sections. In this case, the slender sections of the proposed windows, proposed reveals and sill/lintel details will be contextually appropriate and will serve to preserve the character and appearance of the area

Approval is recommended subject to condition to secure details of the window finishes as the submitted sections indicate contextually appropriate details.

Suggested Conditions Non-standard

Prior to installation, details of the finish and colour of the proposed windows shall be submitted to and agreed in writing by the local planning authority. The windows as installed shall be strictly in accordance with the approved details. Reason: To ensure that the character and appearance of the Colchester

Conservation Area No.1 is preserved or enhanced by the proposed development in accordance with adopted local plan policies DP1, DP14, Env1 and UR2.

9.0 Parish Council Response

9.1 The application is located within 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. 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 No public representations were received regarding this application.

11.0 Parking Provision

11.1 This application proposes no alteration to the existing levels of parking available within the immediate vicinity of the application site, nor will it lead to increased demand for parking within the area.

12.0 Open Space Provisions

12.1 This application proposes no alteration to the existing levels of public open space available within the immediate vicinity of the application site, nor will it lead to increased demand for open space within the 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 upon the character of the conservation area it is considered that there would be a neutral impact. The visual appearance of the windows are similar to the existing and it is judged that the change in 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 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. 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-PL4-01 Revision A and A-1516-PL4-02.

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

4. Z00 – Colour of Window Frames

The outer frames of the windows hereby approved shall be painted white to match those that are being replaced.

Reason: To preserve the historic character of the conservation area.

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.