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Item No: 7.5

Application: 231810

Applicant: Mr Gary Pamment

Agent: Mr Gary Pamment

Proposal: Proposed replacement windows and roof coverings along with brickwork repairs, replacement slate coverings for front walls to second floor.

Location: 14 Trinity Square, Colchester, Essex, CO1 1JR

Ward: Castle

Officer: Simon Grady

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. All applications from Colchester Borough Homes are required to be considered by the Planning Committee as set out in the Council's Constitution for transparency in decision-making.

2.0 Synopsis

- 2.1 The key issues for consideration are the visual impact that the proposed development would have on the character and appearance of the surrounding area, including the conservation area that the development site is located within. All relevant issues are assessed in the report below.
- 2.2 Having assessed the application against local and national legislation, policy and guidelines it is considered that the proposed development would cause very minor *less than substantial* visual harm to the heritage assets surrounding the application site and the conservation area designation. This minor harm is justified by the improved living conditions for residents of the flats.
- 2.3 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site features a block of 20 flats at first and second floor positioned over a row of ground floor retail units. The flats are post war and date from the mid C20. The application site is located in the Lion Walk shopping centre in the town centre and lies within the designated Town Centre Conservation Area. The grade I listed former Church of Holy Trinity is sited opposite the application site.

4.0 Description of the Proposal

- 4.1 This application seeks permission for the proposed refurbishment of the exterior of the flats and includes the replacement of windows and roof coverings along with brickwork repairs, replacement slate coverings for front walls to second floor. The aim of the proposed work is to maintain and replace defective components in order to improve the energy efficiency of the external fabric whilst preserving the character and appearance of the conservation area.
- 4.2 The roof covering needs to be replaced because it is in poor condition and no longer weathertight. The window installations are in poor condition and have reached the end of their useful lifespan. The hanging slate coverings to the front of the building are being removed to allow additional insulation to be added to improve the thermal efficiency of the building with new tiles being affixed back on.
- 4.3 There are also some other minor works shown on the submitted drawings but not included in the application description. These works are replacement of the rainwater goods (guttering and drainpipes) and replacement of the patio floor coverings. Neither of these items being replaced are visible from the public domain and probably don't require planning permission as they would be considered to be maintenance works, not development as defined by the relevant planning legislation.

5.0 Land Use Allocation

5.1 Town Centre Uses

6.0 Relevant Planning History

6.1 There is no planning history relevant to this application.

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 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

- ENV1 Environment
- DM12 Housing Standards
- DM13 Domestic Development
- DM15 Design and Amenity
- DM16 Historic Environment

7.4 There is no Neighborhood Plan for this area of the Borough.

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

- The Essex Design Guide
- External Materials in New Developments
- Sustainable Construction

8.0 Consultations

8.1 This application was discussed at a Development Management team meeting with particular interest in the impact that the proposed development would have on the setting of the adjoining listed church or the character and appearance of the conservation area.

- 8.2 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.

Environment Protection

- 8.3 Environment Protection recommend that the hours of construction work be controlled by Condition (ZPD) in order to protect the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

Colchester Civic Society did not respond.

9.0 Parish Council Response

- 9.1 The site is not in a parish council area.

10.0 Representations from Notified Parties

- 10.1 The application received no written representation from members of the public (objections/or support) in response to notification.

11.0 Parking Provision

- 11.1 Parking provision is unaffected by this proposal.

12.0 Accessibility

- 12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development comprises refurbishment of the external features of an existing development and would not discriminate against any particular members of the community. Equally, the enhanced thermal performance would be of particular benefit to vulnerable members of the community by reducing energy bills for tenants.

13.0 Open Space Provisions

- 13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

14.0 Air Quality

- 14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

- 15.1 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.

16.0 Report

- 16.1 Much of the proposed works in this application would not be visible from the public domain (rear elevation to private area) and some of the works represents refurbishment works using external facing materials that would not materially affect the appearance of the building, meaning that they would not require planning permission. However, for complete transparency of decision-making

and given the sensitive nature of the application site the proposed development is assessed below.

- 16.2 The key planning consideration in this case is the visual impact that the works would have on the surrounding conservation area and adjoining grade I listed church. The scope of the proposed works is set out in section 4 above, and there are no concerns that the brickwork repairs, replacement roof, replacement patio floor or rainwater goods would have a harmful visual impact on the character and appearance of the conservation area or setting of the listed church. This is due to a combination of them not being visible from the public domain and the use of matching materials.
- 16.3 The existing aluminium windows on the frontage of the building are visible from the public domain, albeit they are located at a height that is above eye level and therefore not considered to be very dominant in the street scene. The hanging tiles being replaced are even less dominant than the windows due to their height above the ground and being set back from the front elevation of the building, but they are visible nonetheless.
- 16.4 However, despite the works not being dominant and the application building having limited architectural value, given the sensitive location of the site (i.e. within a conservation area and opposite a grade I listed church) it is important that the proposed works, and in particular the materials used and their detailing, are sympathetic to their surroundings. Originally, the proposal was to replace all windows with UPVC, but this would have a harmful impact on the character of the conservation area and setting of the listed church. The Applicant has agreed to install aluminium windows to the front and side elevations of the building (where they can be seen from the public domain) but it is considered acceptable to use UPVC construction to the rear. The colour of the aluminium windows will match the colour of the existing aluminium windows.
- 16.5 This means that all the proposed external materials to be used on visible, outward facing elevations are of similar appearance to those currently present on the building. This means their visual impact would be minimal and acceptable in design terms. The profile of the window frames however would be approximately 15mm wider than the existing frames. This is unlikely to be materially noticeable in the street scene in the opinion of officers. This additional frame width allows vents to be added that will assist with the ventilation of the bedroom that they serve and improve living conditions of the occupiers. This work is needed to prevent moulds within the flats. The resultant minor visual harm is considered to be less than substantial that delivers significant benefits to the tenants that outweigh this harm.
- 16.6 Consequently, the proposed development complies with adopted Local Plan Policy ENV1: Environment, Policy DM13: Domestic development and Policy DM16: Historic Environment, which seek to conserve Colchester's historic environment, including listed buildings and conservation areas. The proposed development also complies with adopted Local Plan Policy DM12: Housing Standards, Policy DM13: Domestic development and Policy DM15: Design and Amenity, which promote high standards of design, construction and layout in residential development, protect neighbour amenity and the appearance and

character of the original dwelling and support proposals that demonstrate social, economic and environmental sustainability.

17.0 Planning Balance and Conclusion

17.1 The proposed works include the replacement of existing windows, roofs and hanging tiles, which will improve the energy efficiency of the building. This delivers significant benefits. The appearance of the building would not significantly change albeit associated with a small alteration in the design of the replacement window frames resulting in the most obvious visual change.

17.2 Whilst some of the works do not require planning permission, it is concluded that the proposed development generally uses appropriately sympathetic materials and the benefits accrued through the improvements to the building outweigh the *less than substantial* visual harm arising from the replacement windows. The proposal therefore complies with the relevant local plan policy and is in conformity with national policy set out in para.202 of the NPPF.

18.0 Recommendation to the Committee

18.1 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 10, GP-2032-03 and GP-2032-04

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. ZBB - Materials as Stated in Application

Notwithstanding the details shown on the approved drawings, all windows on the front (west) and both side (north and south) elevations shall be Alitherm Heritage HD aluminium windows in RAL 9006 as per applicant's email dated 14 September 2023. The replacement hanging tiles shall match the existing hanging tiles in style, colour (blue / grey) and overall appearance.

Reason: To ensure that materials are of an acceptable quality appropriate to the area in the interests of the character and appearance of the conservation area and setting of listed buildings.

4. Matching Brickwork

The repaired brickwork shall match the existing brickwork adjacent

in respect of material, colour, texture, face bond and pointing.
Reason: In order to preserve the character of the conservation area and setting of the listed building.

5. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

19.1 Informatives

19.1 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 City Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.