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Item No: 7.8

Application: 211519

Applicant: Balcerne Gate Developments Ltd

Agent: Mr Steve Norman

Proposal: Replace existing timber and render cladding with cedar panels; replace windows with identical UPVC units in black; replace existing aluminium front doors with similar doors finished in black

Location: Hythe House, 142 Hythe Hill, Colchester, CO1 2NF

Ward: New Town & Christ Church

Officer: Mr Daniel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is the spouse of a senior manager within the Planning Department. The application has not been formally called in and no objections have been received. The application is referred back to the committee following consideration at the meeting of the 8 July 2021.

2.0 Synopsis

- 2.1 The key issues for consideration are the suitability of the proposed new external materials, windows and door and their impact on the character and appearance of the Conservation Area and the setting of the adjacent listed building.
- 2.2 The application is subsequently recommended for Approval.

3.0 Site Description and Context

- 3.1 The site contains a detached office block built in the early 1970's. The block is located on the junction of Hythe Hill and Connaught Close, Colchester. The site is located within a Conservation Area and there is a Listed Building immediately to the west of the site.
- 3.2 It is noted that there was initial uncertainty regarding the listed nature of this office block subject of this application however, Historic England have confirmed that the listing was for a former Georgian building on the site that has been demolished prior to the erection of this office block. This was established during consideration of the previous application for the conversion of this office block into dwellings under a permitted change of use. The listing is therefore not extant nor relevant to this proposal.

4.0 Description of the Proposal

- 4.1 After obtaining consent for the conversion of this building into dwellings under Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Class O, this application seeks consent for some external alterations by way of new Cedar panels to replace the existing timber and render, replace existing windows with identical units in black and to replace existing aluminium front doors with similar doors finished in black.

5.0 Land Use Allocation

- 5.1 The current land use is classed a predominantly residential.

6.0 Relevant Planning History

- 6.1 As stated above, planning reference 210635 granted consent under Schedule 2, Part 3 of the Town and Country Planning (General Permitted

Development) Order 2015 (as amended) Class O for the conversion of the office block into dwellings. There is no other relevant planning history relevant to this current 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 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
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 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has now concluded hearing sessions and reported on Part 1 of the plan (formally adopted in February 2021) The examination is ongoing for Part 2 of the Plan with the Inspector's report expected imminently.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan (ELP) submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 concluded examination hearing sessions in April. Section 1 of the plan now carries full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as the Inspector's report is awaited following the completion of the examination,

the exact level of weight to be afforded will be considered on a policy by policy and site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will be considered in relation to the adopted Local Plan and the NPPF as a whole pending adoption of Part 2 of the ELP.

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

The Essex Design Guide
External Materials in New Developments

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 **Development Manager:** The existing office building is of its time, and albeit unadulterated, serves as a neutral contributor to the character and appearance of the conservation area designation. The building also adjoins grade II listed buildings and forms part of their immediate setting. The building does not contribute positively to their significance. The upgrading of windows and cladding would change the character to reflect a contemporary aesthetic. In my opinion this would have a neutral impact on the character and appearance of the area. The works satisfy the statutory and local plan tests for works in a conservation area subject to detailed approval of replacement window details.

Suggested Condition to be Included:

Non Standard Condition Prior to their implementation/installation, additional drawings that show details of the proposed new windows and doors to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to the window and door detailing to protect the character and appearance of the conservation area in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

9.0 Parish Council Response

- 9.1 The site is not within a parished area.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No comments have been received from any neighbouring properties.

11.0 Parking Provision

11.1 The proposal would not affect the current parking provision.

12.0 Accessibility

12.1 This application is for changes to external materials and would have no impact on the current access arrangements. It is not considered that the proposal would be contrary to the Equalities act.

13.0 Open Space Provisions

13.1 N/A

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 The main issues in this case are:

- Design and appearance;
- Impact on the Surrounding Conservation Area and setting of adjacent listed building.

16.2 Below is an assessment of the proposal against any potential impact on the character and setting of the host building, the Conservation Area and the adjacent Listed Building.

16.3 The proposed change of external materials is intended to enhance the appearance and character of the host building within the Conservation Area. As noted by the Development Manager above, the proposed changes will have a neutral impact on the Conservation Area and the Listed Building adjacent therefore the harm is considered limited and acceptable.

16.4 The proposed change of materials are to replace existing painted timber cladding and white render with cedar panels, replace current white steel windows with identical high performance windows but in a black finish and to replace existing aluminium front doors with similar design door but finished in black.

16.5 Members will recall their recent consideration of the proposals at the previous meeting on the 7 July 2021 when it was resolved to defer consideration to seek revisions from the applicants to enhance the contextual sympathy of the scheme through the use of finishes similar to those found in the immediate area. Officers have discussed this with the applicants who have responded positively with an offer to paint the Cedar boarding white (as opposed to naked timber left to silver as previously). The upgrading of the existing steel single glazed windows with similar frames in a black finish remains part of the proposals. Whilst it is noted that this was an issue for some members at the previous committee officers wish to highlight that the applicant could paint the existing windows black without planning permission (painting a building is not development). This element of the proposal is therefore considered acceptable given the fallback position and the potential for enhanced living conditions (energy and sound attenuation) for occupiers on this busy street frontage. The enhanced high-performance windows will promote the objectives of the Council's strategy to mitigate climate change through reduced carbon emissions.

16.6 It should be noted that the applicant's agreement to white washing the proposed cedar cladding will deliver greater contextual sympathy with the white render already present on the building and the character of the surrounding area with regards to the prevailing colour palette. This amendment significantly addresses the concerns raised by members in their previous deliberations.

16.7 As stated above and supported by the Development Manager, officers consider that the proposal will result in no material harm to the character and appearance of the wider Conservation Area and the setting of the adjacent listed buildings.

17.0 Conclusion

17.1 In summary, the revised proposal will result in a neutral impact upon the Conservation Area and the setting of the adjacent listed building and is therefore considered acceptable. Amendments have been secured since the last Planning Committee that are considered acceptable and address the majority of members concerns.

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 drawings labelled Location Plan and Proposed Front Elevation received 27th May 2021.

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

3. ZBB - Materials As Stated in Application

The external 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

4. Non Standard Condition – Large scale details of windows & doors

Prior to their implementation/installation, additional drawings that show details of all proposed new windows and doors to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and appearance of the conservation area and the setting of the listed building in accordance with the requirements of Section 72(1) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. Non Standard Condition – Timber Cladding

Prior to installation of the approved timber cladding a sample of the proposed material incorporating the proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The timber cladding shall thereafter be installed strictly in conformity with the approved sample.

Reason: The application site is prominently located in the Hythe Conservation Area and the detail of the boarding needs to be agreed to ensure that the works serve to preserve or enhance the character or appearance of the area in accordance with Core Strategy policies ENV1 and UR2 and Development Policy DP14.

19.0 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.