

Item No. 1

Application Reference Number P/20/2377/2

Application Type:	Full	Date Valid:	21/12/2020
Applicant:	Convoy Investments Limited		
Proposal:	Retention of UPVC windows to public house.		
Location:	49 North Street Rothley Leicestershire LE7 7NN		
Parish:	Rothley	Ward:	Rothley and Thurcaston
Case Officer:	Steven Holmes	Tel No:	01509 634770

This item is being brought to Plans Committee at the request of ward Cllr Hadji-Nikolaou on the grounds of concern relating to the potential differential treatment of the applicant given that uPVC windows have been installed upon other properties within the vicinity of the application site.

Description of the Application

The application site is a two storey commercial property on the western side of North Street in Rothley. The site is on a predominantly residential street and is located adjacent to No.34 North Street to the north, No.51 North Street to the south and No's 1a & 1b Town Green Street to the west.

The site is located within the Rothley Conservation Area and was a former public house.

The building is in the process of being converted to a restaurant with a single storey extension to the side partially built to accommodate a larger dining area approved under application P/15/2089/2.

The proposal seeks consent for the retention of uPVC windows to the front elevation of the original building which are installed in a brown antique finish at ground and first floor levels.

A replacement uPVC door and porch have also been installed to the front elevation without the benefit of any formal consent, and, are therefore also unauthorised. These elements are however not part of the current application. The Council's Planning Enforcement Team is pursuing a resolution to the breach with regards to the door separately.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect

and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS14 – Heritage – requires developments to protect and enhance the heritage assets of the borough for their own value and the contribution they make to the community, the environment and the economy.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The policies relevant to this proposal include:

Policy EV/1 – Design – seeks to ensure a high standard of design that respects the character of the area and is compatible in mass, scale and layout.

Policy TR/18 - Parking Provision in New Development notes that planning permission will not be granted for development, unless off-street parking for vehicles, including cycles, and servicing arrangements are included, to secure highway safety and minimise harm to visual and local amenities.

The emerging Rothley Neighbourhood Plan

This Plan, submitted in March 2020, has been the subject of independent examination with the Examiner's report published in December 2020. The plan successfully went through referendum on the 6th May 2021 with a vote of 89%. Whilst the Neighbourhood Plan is not technically part of the Development Plan until it is approved by Cabinet, it does have full legal effect once it has passed through referendum. Accordingly members should give the Rothley Neighbourhood Plan full weight when considering planning application.

Policy RO1 – Development within Rothley Limits to Development – Proposals will be supported where it, as appropriate, preserves and enhances the setting of any heritage asset and is sympathetic in style to surrounding buildings especially within the Conservation Areas

Policy RO3 – Design Principles – Sets out the local design principles including the materials used plus the scale, height and positioning of alterations.

Other material considerations

National Planning Policy Framework (NPPF)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (para.6), fulfilling an economic, a social and an environmental role (para.8). Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para.12). The NPPF states that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development (para.124).

The NPPF requires Local Planning Authorities to assess and consider the potential impact of proposal upon heritage assets when determining applications (para's 189 to 196)

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

Design Supplementary Planning Document (2020)

Provides guidance on how a high standard of design can be met and supplements adopted Core Strategy and saved policies covering high quality design, open space requirements and measures to adapt to climate change

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Rothley Conservation Area Character Appraisal

Examines the historic development of the Conservation Area and describes its present appearance in order to assess its special architectural and historic interest. It sets out the planning policy context and how this appraisal relates to national, regional and local planning policies.

Relevant Planning History

P/15/2089/2 - Erection of single storey extension to form dining area, bin store and replacement windows to front elevation of public house. - Granted

P/17/2466/2 - Retention of conversion and extension to side and first floor extension to flat above public house. - Granted

Responses of Statutory Consultees

Rothley Parish Council has raised no objections

Other Comments Received

Ward Councillor Hadji-Nikolaou supports the application in the interests of the ongoing works to the building being completed and the restaurant use commencing.

4 letters in support of the application have been received, two of which are from people living outside of the Borough, the other two have withheld addresses.

The occupant of the property opposite the site, No.36 North Street – raises no objections to the windows but objects to the design of the uPVC door. It should however be noted that the door is not part of this application.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- i) Principle of development
- ii) Impact on the significance of the designated Heritage Asset.
- iii) The impact on the amenity of occupants of neighbouring properties;
- iv) The impact on the highway

The principle of the development

The site is located within the limits to development for Rothley which is recognised as a sustainable location for growth within policy CS1 of the Development Plan. The proposal relates to the alteration of an existing building within identified settlement limits. The principle of the development is therefore considered to be acceptable and in keeping with the Development Plan subject to other material considerations.

Impact on the significance of the designated Heritage Asset.

The site is situated in the adopted Rothley Conservation Area.

When considering any development which affects a Conservation Area, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Policy CS14 of the Core Strategy seeks to conserve or enhance the Borough's historic assets for their own value and community, environmental and economic contribution they make. Development proposals should protect heritage assets and their setting.

The NPPF requires local planning authorities to take into account the desirability of new development making a positive contribution to local character and distinctiveness and to seek positive improvements to the historic environment, advising that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area.

North Street is one of the principal routes within the Conservation Area in to the village centre and forms one of the "Key views and vistas" identified in the Rothley Conservation Area Character Appraisal,

No. 49 North Street, formally known as the Old Crown Inn, dates from the 19th century and, from the appearance of the brickwork, is probably very early 19th century. Although the building is not statutorily listed, it is considered to be an important historic building within the street-scene of North Street and the wider Conservation Area.

Traditional windows and doors make an important contribution to the significance of historic buildings and areas and it is considered that the loss or inferior replacement of these components can pose a threat to the significance of heritage assets. These features add significant value to heritage assets through their visual appearance along with the traditional craftsmanship and technology deployed in their construction.

The adopted Rothley Conservation Area Character Appraisal identifies that windows and doors of a traditional design makes an important contribution to the heritage asset. The use of uPVC leads to unsuitably detailed windows and the cumulative impact of small changes such as doors and windows, can often create a profoundly detrimental impact upon the significance of the heritage asset. The Appraisal notes that “a substantial number of properties in the Conservation Area have been fitted with replacement upvc windows and doors that have little respect for the specific building’s original appearance. Furthermore, the use of upvc and standardised high speed joinery techniques nearly always leads to unsuitably detailed windows.

Previous applications for the site have been approved conditionally with specific reference to the appearance of the windows in order to preserve the appearance, character and historical integrity of this important building in the Conservation Area as much as possible. The window features are considered to be of great importance to the character and significance of the building and the Conservation Area. Planning approval was granted in 2015 for the erection of a single storey extension to the building and for the replacement of windows upon the front elevation of the original building (P/15/2089/2 refers). The submitted plans made provision for the replacement windows to be timber framed in order to protect the character and appearance of the Conservation Area. Following this approval however, the existing timber framed windows were replaced with uPVC framed windows. These windows are the subject of this application.

Although the existing unauthorised uPVC windows, through their general shape are similar to the form of a traditional window, the detailing is substantially different. The section sizes are larger, particularly the opening casements and the glazing bars, with the resultant appearance failing to accurately replicate the elegance of original traditional components. It is considered that the poor quality design, materials and construction of the existing uPVC windows has a detrimental effect on the character and appearance of the building and the wider conservation area. The bulkier frames and the non-traditional detailing is unlike the traditional detailing and painted wood of the existing (now removed) windows and undermines the building’s contribution to the character of the conservation area. The use of false texture to the frames to represent wood grain is particularly dishonest to the building’s historical integrity. The replacement uPVC windows are overall considered to be discernibly different in material and character in comparison to the appearance of the original timber windows and do not successfully replicate the visual qualities of the traditional joinery. Alterations of this type may be considered minor, but the cumulative impact of such alterations will result in very significant detrimental changes to the street scene and the character of the conservation area.

It is acknowledged, that the control over replacement windows to a domestic house in a Conservation Area is very difficult as, unless the building is listed or there is an article 4 direction in place, an alteration of this nature can be carried out under permitted development rights. However, critically this does not apply to commercial properties and flats as they do not enjoy the same permitted development rights as individual dwellings.

The Heritage Impact Statement submitted in support of the application refers to a number of examples of residential dwellings that have been fitted with replacement uPVC windows close to the application site. Whilst this is noted, it is pertinent to remember that these uPVC windows would have been installed under permitted development rights and therefore beyond the control of the Local Planning Authority. The provision of replacement windows in commercial properties such as the application site is within the control of the Local Planning Authority as formal consent is needed.

It is not considered that the examples where uPVC windows have been installed in residential dwellings under permitted development rights should be accepted as justification for granting retrospective consent for the proposal and thereby permitting the erosion of the quality of the Conservation Area. It is important that traditional, but unlisted, buildings such as No. 49 are maintained in a way that respects the Conservation Area and helps to protect its significance.

Due to the location of the site within the Conservation Area, an assessment as to the potential impact on harm to the heritage assets and their settings must be made, in addition to non-designated heritage assets, in accordance with paragraphs 189-200 of the NPPF.

It is considered that the replacement of the traditional timber windows at No. 49 North Street with poorly designed uPVC replicas, neither preserves nor enhances the character or appearance of the designated Rothley Conservation Area and overall it is considered that the proposed application will result in less than substantial harm to the designated heritage asset. In such cases, paragraph 196 of the NPPF requires the Local Planning Authority to weigh the identified harm against the public benefits of the proposal. In this case, it is not considered there are any identified public benefits in the replacement of the previously approved wooden windows with uPVC to outweigh the harm caused.

Furthermore, paragraph 130 of the NPPF requires local planning authorities to ensure that the quality of a previously approved development is not materially diminished as a result of changes being made to a previously permitted scheme. Examples or where the quality of a proposal can be diminished between the grant of a permission and completion, as a result of changes being made to the permitted scheme can be through changes to approved details such as materials. It is considered that this is such a case where planning approval was granted based on the use of high quality materials and was subsequently substituted by inferior materials without formal consent from the Local Planning Authority.

Given this context, the proposal is considered to be contrary to Core Strategy policies CS2, CS14, saved Local Plan Policy EV/1, emerging Neighbourhood Plan Policies RO1 and RO3, paragraphs 130, 189-196 of the NPPF and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The impact on the amenity of occupants of neighbouring properties

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

The proposal does not extend the building in height, width or length and relates solely to the materials used within the windows.

As such there is no significant impact considered to result from the proposal in terms of over-dominance or loss of light to any neighbouring property.

Further, the window units are placed within existing apertures of the building therefore any imposition upon privacy of neighbouring properties will not be increased by these works.

For the above reasons, the proposed alterations are considered to comply with policies CS2 and H/17 of the Development Plan along with the advice contained within the adopted Design Supplementary Planning Document (2020), and would not have a significantly detrimental impact on neighbouring amenity.

Impact on the highway

Policy TR/18 seeks to ensure safe access is provided to new development and adequate parking is provided. Paragraph 109 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

The proposal will not increase the amount of residential bedrooms at the property, alter existing parking arrangements or increase footfall to the commercial aspect of the premises.

As such, it is considered that the proposal would meet the requirements of the Highway design guide and would therefore not be considered to have adverse impact on highway safety thus complying with policy TR/18 and the provisions of paragraph 109 of the NPPF.

Conclusions

In summary, the proposed development is considered to be acceptable with respect to its impact upon the amenities of neighbouring residential properties and by preserving the safety of the highway network. However, it is considered that the impact of unsympathetic and historically discordant uPVC windows will cause harm, albeit less than substantial harm, to the heritage asset of Rothley Conservation Area, which are not outweighed by public benefits, and the proposal would be detrimental to the street-scene of North Street.

It is therefore recommended that retrospective planning permission should be refused.

RECOMMENDATION:-

Refuse

- 1) The local planning authority is of the opinion that timber windows in the building are integral to its appearance and to the contribution the building makes to the special interest of the adopted Rothley Conservation Area. The replacement of these timber windows with poorly designed UPVC units, would, by virtue of the crude design, use of material and inappropriateness to the building's traditional

detail, introduce a visually harmful and incongruous addition to the building, which would unacceptably alter its appearance and add to the cumulative erosion of the heritage significance of the Rothley Conservation Area. This would result in less than substantial harm to the significance of the designated heritage asset, that of the adopted Rothley Conservation Area. There are no identified public benefits to the proposal which outweigh this identified harm. It is, therefore, contrary to the intentions of Policies CS2 and CS14 of the Charnwood Local Plan 2011-2028 Core Strategy, saved policy EV/1 of the Borough of Charnwood Local Plan, the emerging Neighbourhood Plan Policies RO1 and RO3, the provisions of the National Planning Policy Framework and the adopted Design Supplementary Planning Document.

