

COMMITTEE REPORT

Date:
Team: Householder and Small Scale Team

Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 17/00586/GRG3
Application at: Festival Flats Paragon Street York YO10 4AG
For: Replace windows and doors to flats 6, 9, 11 and 14-19 Festival Flats
By: City of York Council
Application Type: General Regulations (Reg3)
Target Date: 17 August 2017
Recommendation: Approve under General Regs 3 Council Dev

1.0 PROPOSAL

1.1 The application property is a circa 1950's era three storey apartment development located within the Central Historic Core Conservation Area just to the south of the City Walls. The flats are in two blocks; one fronts Paragon Street and runs parallel to the City Walls, the other runs at right angles to this block and fronts onto Fishergate. The flats are of brick construction and have concrete tile pitched roofs.

1.2 This application seeks consent to replace the white painted windows and glazed doors with white uPVC windows and doors on flats flat 6, and 9, 11 and 14-19 of this property.

1.3 Planning permission was granted under Regulation 3 of the Town and Country Planning General Regulations 1992 for the replacement of windows and doors to nos. 1-8, 10, 12, 13, 17a, 19a and 20 Festival Flats in July 2014 (CYC ref: 14/01366/GRG3).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: Central Historic Core

2.2 Policies:

CYGP1 Design
CYHE2 Development in historic locations

3.0 CONSULTATIONS

EXTERNAL

Conservation Area Advisory Panel

3.1 The Panel acknowledged the importance of these Festival of Britain buildings and objected strongly to the proposed replacement of the original timber windows and doors by uPVC standard frames. There was also concern that the drawings (although extremely poor in quality) implied some windows had already been replaced. It was felt that the properties were owned by City of York Council a better example should be set. The Panel recalled that a similar problem some years ago with the flats in the area of Navigation Road had been successfully resolved.

York Civic Trust

3.2 This is a sensitive site due to its location facing the City Walls and prominent vista from Tower Street. The proposal to replace original timber framed windows for polyester powder-coated aluminium uPVC windows, as was begun in previous work undertaken at the site in 2014, is unwelcome. This type of window is unattractive, especially on an important historic building as this, which dates from the 1950s and before the invention of uPVC windows. The claim that the design of the door and windows is to match the style of the existing building is incorrect. The proposed door and panel type by Permadoor® do not include glazed bars, as are currently found on the existing door and panel type at Festival Flats.

3.3 These flats were built in 1951 as part of the Festival of Britain, examples of 'Live Architecture' were rolled out to the provinces and aside from Liverpool's Speke Estate, York acted as the only other example of this in the North. They were a design competition winner and acted as a showcase for new construction techniques and design potential in post-war Britain. They are worthy of better appreciation in York and possibly nationally through scheduling. We would ask the Council to think again in its choice of windows and doors to favour the use of timber-framed ones. This would be more in keeping with the original designs of the flats and the overall aesthetics of the site.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character and appearance of the building and the conservation area.

LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 requires that, in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

POLICY CONTEXT

National Planning Policy Framework

4.3 In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF). This sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development, however, Footnote 9 to Paragraph 14 contains restrictions where this presumption does not apply and the restrictions include designated heritage assets.

4.4 In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A principle set out in paragraph 17 is that planning should always seek to secure high quality design.

4.5 Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Draft Local Plan

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.7 Relevant policies are GP1 and HE2. Policy GP1 'Design' requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area. Policy HE2 'Development in Historic Locations' advises that development in conservation areas must respect adjacent buildings and be of a design that is compatible with the character of the area and neighbouring buildings.

ASSESSMENT

4.8 The original windows and doors to the flats were all white painted timber and gradually fell into disrepair over the years. This led to the submission of the application for replacement windows and doors in 2014 (CYC ref: 14/01366/GRG3). The glazing bar details are not exactly the same as the originals but the units were chosen to match the original fenestration as closely as possible in terms of glazed panel and frame size. This current application relates to the remaining doors and windows on the development that were not part of the earlier submission and includes the following elements on the various flats:

- a double window unit with fixed window on one side and a casement window with opening toplight on the other (circa 1.2m square)
- a small square casement window (circa 0.4m square)
- glazed screen to balcony areas which includes fully glazed door, glazed panels and casement window with toplight (circa 2.4m wide x 2m high)

4.9 It is not considered that the replacement doors and windows that have already been introduced have had an adverse impact on the character of the building or the conservation area and it is considered that these further changes will similarly have no adverse impact. As a result it is considered that original design of the building has been respected and that these further replacements will complement the fenestration changes already undertaken. The proposal will help improve the energy performance of the buildings.

4.10 If the application is approved and the development is carried out, the character and appearance of the conservation area will be preserved and it is therefore considered that the Local Planning Authority will have properly exercised its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.11 In considering the impact of a proposed development on the significance of the conservation area, great weight has been placed on the conservation of the asset, as required by Paragraph 132 of the NPPF, it is considered that there will be no harm.

5.0 CONCLUSION

5.1 The proposals will not harm the character and appearance of the conservation area and the building. As such it is considered that they satisfy national guidance in the NPPF and Development Control Local Plan Policy and are acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve under General Regs 3 Council Dev

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted documents:-

Y-SB-MS-6058-17-20A and 21A

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Further details of the proposed fenestration were secured.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

Contact details:

Author: David Johnson, Development Management Assistant

Tel No: (01904) 551665