REPORT FOR DECISION

Agenda Item	

MEETING: PLANNING CONTROL COMMITTEE

DATE: 15 MARCH 2011

SUBJECT: MOUNT PLEASANT VILLAGE CONSERVATION AREA. POLICY ON UPVC WINDOWS

REPORT FROM: ASSISTANT DIRECTOR (PLANNING, ENVIRONMENTAL AND REGULATORY SERVICES)

CONTACT OFFICER: M NIGHTINGALE, CONSERVATION OFFICER

TYPE OF DECISION: Executive key decision

FREEDOM OF INFORMATION/ STATUS: This paper is within the public domain

SUMMARY:
This report outlines recent events in Mount Pleasant and the need to reconsider the approved policy on Upvc window frames.

OPTIONS AND RECOMMENDED OPTION (with reasons):
The options are as follows:

(a) To adjust the policy as recommended in paragraph 4.1.
(b) To retain the current policy.
(c) To adopt a different policy.

Option (a) is recommended for the following reasons:
(1) Appeal decisions are accepted as interpreting policy.
(2) There is little likelihood of resisting any further appeals for similar proposals to the appeal scheme.
(3) Community consultation supports this course of action.

IMPLICATIONS -

Corporate Aims/Policy Framework: Do the proposals accord with the Policy Framework?

Financial Implications and Risk Considerations

Statement by Director of Finance and E-Government:

Equality/Diversity implications Considered by Monitoring Officer: No ☐

Are there any legal implications? No ☐

Staffing/ICT/Property: There are no implications for the Council's land and property holdings arising directly from this report.

Wards Affected: Ramsbottom and North Manor

Scrutiny Interest: Conservation Area appraisals and management plans have previously been discussed at Planning Control and Scrutiny committees.

TRACKING/PROCESS **EXECUTIVE DIRECTOR:**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
No		During February 2011.	Community consultations and interest groups in February 2011.
Scrutiny Commission	Executive	Committee	Council
Process included in reports to Economy, Environment and Transport Scrutiny Commission in 2004 and 2006	No	This report	

1.0 BACKGROUND

1.1 In 2003 and 2004 Committee approved reports that led to the Council's first conservation area management plan, covering the Mount Pleasant Conservation Area. The plan was published and circulated widely in

September/October 2004. One aspect of the plan responded to the large number of unauthorised window frames inserted into dwellings, many of them considered to be out of character Upvc frames. Committee approved policies within the plan for the future control of development, one being that Upvc frames would not be approved within the area.

1.2 Since 2003/4 the policy has been applied and some removal of existing Upvc frames has also been achieved. However, more recently a number of Upvc windows and doors have been inserted without permission. These apply not to the listed structures in the village but those in the new dwellings and the former mill that was converted in 1987. During 2010/11 these unauthorised works had been recorded in anticipation of enforcement action being investigated.

2.0 RECENT DEVELOPMENTS

2.1 In line with the existing policy, proposals for brown Upvc frames at 86 Mount Pleasant were refused planning permission (ref 52602) on the 30 September 2010. The applicant appealed to the Planning Inspectorate and the appeal was upheld on the 24 January 2011. In the decision letter the inspector noted that the particular windows installed/proposed for number 86 were very similar in design and detail to the original timber frames, and although the material had a slightly different appearance to timber this did not adversely affect the character or architectural quality of the building. In his comments he also made reference to the shiny finish of Upvc, and noted that in this case it was not significant.

2.2 The inspector also stated '**I appreciate that the Council is concerned about the cumulative impact of such proposals and has, over recent years, consistently resisted the use of uPVC. However, given my conclusions in this specific case, the proposal would not materially add to any existing adverse cumulative impacts or set a precedent for replacement windows which would fail to preserve or enhance the character or appearance of the conservation area. Nor would my decision prevent the Council resisting uPVC windows which would have a harmful effect.'**

2.3 The decision appears to say that brown timber effect Upvc window frames will be acceptable within the new build and converted mill properties if their detail and finish matches the original timber frames. Some windows installed both some time ago and more recently do not meet this criteria. The decision does not relate to Upvc doors.

3.0 CONSULTATION RESPONSE

3.1 The occupiers of the properties within the converted mill and new dwellings were contacted during February 2011 and informed that Planning Control Committee would be asked to consider a revision to the approved policy. A summary of the position was included in the letter and reference was made to the placing of the draft report and the Inspector's decision letter on the website. The residents were asked for their comments by the deadline for consideration by this Committee in March 2011.

3.2 There have been 12 written responses to the consultation. All but one of these has been exactly the same in its content. The letters welcome the appeal decision and the review by the Council, and request that Upvc frames are only resisted if there is a clear and harmful impact on the area's character.

4.0 COMMENTS AND CONCLUSION

4.1 It is generally accepted that the implementation of planning policies by local planning authorities is guided by appeal decisions and case law. There is nothing in the inspector's decision that can be challenged, and the case within the decision can be used by appellants in any future similar appeals. The inspector is careful to note that the decision should not set a precedent for Upvc frames in general. The outcome is therefore a need to refine the policy previously approved, to allow for Upvc frames within the new build and mill conversion properties (though not the listed buildings) where the detail and finish of the frames is a good match for the original timber frames.

List of Background Papers:-

1. Reports to Planning Control Committee in November 2003 and August 2004.
2. Mount Pleasant Conservation Area Appraisal and Action Plan September 2004
3. Decision letter from the Planning Inspectorate 24 January 2011.

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