

WARD: Cabot CONTACT OFFICER: Amy Prendergast  
SITE ADDRESS: 1 - 16 Merrick Court Merchants Quay Bristol BS1 4RL

APPLICATION NO: 15/06359/F Full Planning  
EXPIRY DATE: 4 February 2016

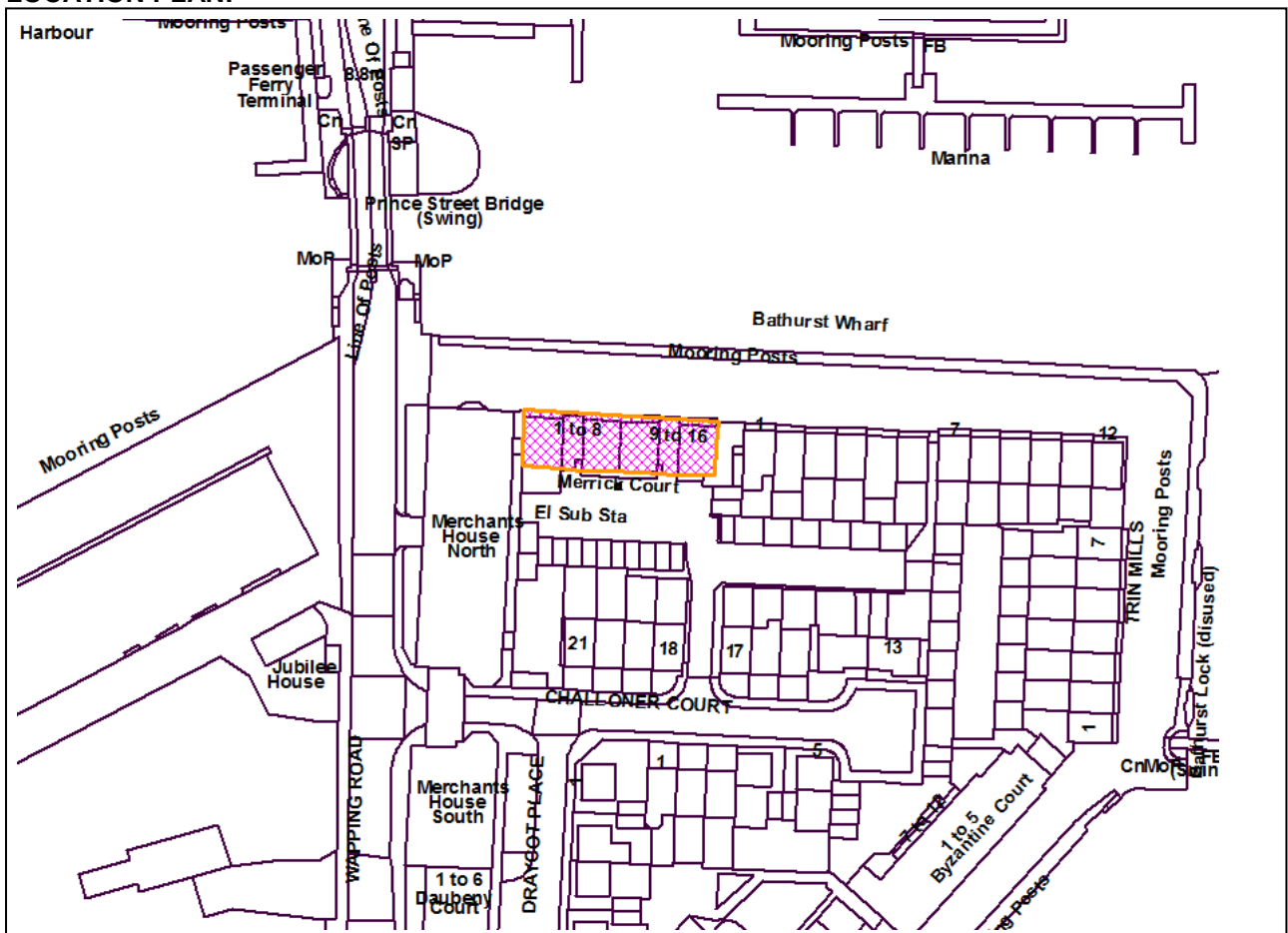
*Replacing the existing aluminium double glazed windows / doors and timber frames with new uPVC windows (116 No.) and doors (14 No.). This application relates to the front (north) and rear (south) elevations of the Merrick Court site.*

RECOMMENDATION: Refuse

AGENT: Sanderson Weatherall  
30 Queen Square  
Bristol  
BS1 4ND  
APPLICANT: Merrick Court Management Ltd  
Mulberry House  
Grange Farm  
Cirencester  
Gloucestershire  
GL7 2LR

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

LOCATION PLAN:



**Development Control Committee B – 16 March 2016****Application No. 15/06359/F: 1 - 16 Merrick Court Merchants Quay Bristol BS1 4RL****SUMMARY**

This application for planning permission, (application reference: 15/056359/F) brought before Committee is for the replacement of all existing metal slim profile sash windows with top hung uPVC windows; the replacement of two existing timber bay window features with uPVC bay windows features; and the replacement of all existing metal framed and timber doors with uPVC doors on the North and South elevation of the building known as No's 1-16 Merrick Court. One representation has been received in opposition to the scheme.

Officers are of the opinion that the proposed replacement uPVC windows and doors by virtue of their bulkier and flatter frame profiles; poor quality material and overall appearance; as well as the proposed change of style and form of the window openings from traditional sliding sashes to top hung units, would result in an unsympathetic alteration causing significant harm to the architectural integrity of the host character building; the character and appearance of this part of the City Docks Conservation Area (including the character group of adjacent buildings and identified key views); and the setting of other nearby heritage assets (including the Grade II Listed Prince Street, and the City and Queen Square Conservation Area). The harm would be further exacerbated by the cumulative impact of the significant number of windows and doors involved as well as the insensitive replacement of the prominent bay windows features with uPVC also.

The applicant was offered the opportunity by officers to amend the scheme to incorporate a more sensitive proposal (aluminium or double glazed timber units with sliding sash openings to the relevant windows) and was advised that this was likely to be supported subject to detail. Unfortunately the applicant has declined to amend the scheme in this manner.

In a further attempt to work with the applicant, officers gave the applicant the opportunity to submit full large scale drawings and section details for all the replacement window and door types in order for them to try to demonstrate that the new profiles would not result in a material change to the appearance of the windows from the existing fenestration. Whilst some minimal information was submitted this unfortunately did not include the level of information required and actually served to further demonstrate the principle concerns above.

In making this recommendation, officers have also fully recognised the economic and energy benefits of utilising uPVC windows to improve energy efficiency. However as there are more sensitive options (aluminium or double glazed timber) that would also meet energy efficiency concerns, these stated benefits by the applicant do not outweigh the harm caused by the proposals as submitted in this instance.

Overall it is unfortunate that the applicant has chosen not to take up officer advice with regard to making the proposal more acceptable, however in light of this the LPA are unable to support the application as submitted and refusal of the planning application is therefore recommended to Members.

**SITE DESCRIPTION**

The application site No's 1-16 Merrick Court is a prominent and substantial five storey waterside development comprising of 16 flats located directly on the Quayside Walkway. The building is located in the City Docks Conservation Area and is identified as a 'character building' within the City Docks Character Appraisal (Dec 2011).

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RELEVANT HISTORY

There is no history of direct relevance to the application building.

APPLICATION

The proposed works are to replace all existing metal slim profile sash windows with top hung uPVC windows; all existing timber bay window features with uPVC bay windows features; and all metal framed patio doors and timber framed entrance and louvre doors with uPVC doors on the North and South elevation of the building.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation to this particular proposed development. Overall, it is considered that the refusal of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

RESPONSE TO PUBLICITY AND CONSULTATION

The application has been advertised by way of site and press notice with an expiry date of 03.02.16. 41no. neighbours have also been consulted via neighbour notification letter with an expiry date of 25.01.16.

One objection has been received to date. In summary these comments include the following:

-This block of flats within the City Docks Conservation Area is prestigious and replacement like for like aluminium windows would be more appropriate.

-Surrounding buildings all have aluminium double-glazed windows.

-Whilst some houses in Challoner Court (to the rear of Merrick Court) have replaced aluminium double-glazed windows with uPVC. These houses are located centrally in Merchants Landing and therefore not directly on the Harbourside.

-From an environmental point of view, uPVC is non-recyclable - unlike aluminium.

OTHER COMMENTS

**BCC Conservation Section** has commented as follows:-

"Merrick Court is located in the City Dock Conservation Area. It is a prominent and substantial flat block fronting onto Merchants Quay and is considered to be a Character Building in the Conservation Area Character Appraisal (P42) with a considered design reflecting appropriate scale, massing, materials and design.

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The proposal is to replace existing metal sash windows in uPVC with top hung opening windows and existing metal and timber doors with uPVC doors. In addition the proposed alteration of the two timber framed oriel bay windows from timber windows to uPVC windows.

The use of uPVC is not supported as the profiles are heavier and the finish of the material is considered dull and without refinement. In addition the alteration to the opening form of the windows, to top hung from a sliding sash, will have a significant impact on the character and appearance of the elevations of the building.

Similarly the change in doors to uPVC will change the profiles and material appearance of the doors.

The applicant has submitted a more detailed elevation and section drawing (not to scale). In my view these have reinforced that there is a visual issue relating to the heavier and flatter profile of the proposed uPVC windows with added trickle vents to the top rail.

There are some examples of uPVC windows in the terrace where there are townhouses with permitted development. The appearance of the windows is heavier and flatter and is considered to have a significant detrimental impact on the character and appearance of these properties when compared with the original thinner aluminium sliding sash frames that have been retained on other properties in the same terrace and on the flats.

Given the above the proposed works are considered to have a detrimental impact on the significance of the building and the general character and appearance of this part of the City Docks Conservation Area.

## RELEVANT POLICIES

**National Planning Policy Framework – March 2012****Planning (Listed Buildings & Conservation Areas) Act 1990****Bristol Core Strategy (Adopted June 2011)**

BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment

**Bristol Site Allocations and Development Management Policies (Adopted July 2014)**

DM26	Local character and distinctiveness
DM1	Presumption in favour of sustainable development
DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM30	Alterations to existing buildings
DM31	Heritage assets

**Bristol Central Area Plan (Adopted March 2015)**

BCAP20	Sustainable design standards
BCAP30	Pedestrian routes
BCAP32	Quayside walkways
BCAP47	The approach to Redcliffe

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City and Queen Square Conservation Area Character Appraisal

City Docks Character Appraisal

## KEY ISSUES

- (A) WOULD THE PROPOSED REPLACEMENT WINDOWS AND DOORS BE INCOMPATIBLE WITH THE HOST CHARACTER BUILDING, AND WOULD THEY HARM THE CHARACTER OR APPEARANCE OF THE CITY DOCKS CONSERVATION AREA AND/OR THE SETTING OF OTHER SURROUNDING HERITAGE ASSETS?

The proposed works are to replace all the existing metal slim profile sash windows with top hung uPVC windows; all existing timber bay window features with uPVC bay windows features; and all metal framed patio doors and timber framed entrance and louvre doors with uPVC doors on the North and South elevations of the building.

The site lies within City Docks Conservation Area and is identified within the City Docks Character Appraisal (2011) as a 'character building'.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 12 of the national guidance within the National Planning Policy Framework (NPPF) 2012 states that when 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, with any harm or loss requiring clear and convincing justification. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, Para.134 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

In addition, Policy BCS21 in the Bristol Core Strategy (Adopted 2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy BCS22 in the same document states that development proposals should safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including Conservation Areas. Policy DM28 in the Site Allocations and Development Management Policies (Adopted 2014) also states that development should create or contribute to a safe, attractive, high quality public realm that contributes positively to local character and identity. Policy DM31 in the same document expresses that development should preserve or enhance historic settings.

Policy BCAP30 in the Bristol Central Area Action Plan (2015) sets out that development that would be harmful to the amenity of primary or secondary pedestrian routes will not be permitted (The Grove is a designated Primary Pedestrian Route and the Prince Street Bridge is a designated Secondary Pedestrian Route). Policy BCAP32 states that development adjacent to existing Quayside walkways will be expected to be finished to a high standard of design and that development that would be harmful to the amenity of the Quayside Walkway will not be permitted.

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Finally, the City Docks Character Appraisal 2011 sets out that "Character Buildings make a positive contribution to the overall character and sense of place of the Conservation Area. Their value is in their overall scale, form, materials or date, which helps form the built backcloth for the area" (p.41). It is also noted within the character appraisal that in other parts of the Conservation Area the increased use of inappropriate materials, especially uPVC windows, doors and soffits, have already begun to undermine the character and appearance of the Conservation Area and are identified as a threat (p.29)

The application site, No's 1-16 Merrick Court, is a prominent and substantial five storey waterside development comprising of 16no. flats (as shown in Appendices 1 and 4). The building is a character building located in the City Docks Conservation Area and is of a considered design incorporating appropriate scale, massing, design (including feature bay window elements) and materials for such a sensitive location. No's 1-16 Merrick Court is also one building (the largest) within a wider cluster of five buildings along this part of the quayside (incorporating Bathurst Wharf and part of Bathurst Basin) all of which have a similar appearance and design features that cumulatively form a predominant character group to this part of the Conservation Area (as shown in Appendix 4).

The building subject of this application is also visible from a number of vantage points along the quayside and public realm views of the windows and doors within the north elevation are possible from immediately outside the building on Bathurst Wharf. Public views are also afforded across the Floating Harbour on the designated primary pedestrian route along The Grove, and the designated secondary pedestrian route over the Prince Street Bridge. The views of the application site across the Floating Harbour include within the field of vision, the four Stothert and Pitt Cranes on Princes Wharf which are identified within the City Docks Character Appraisal as landmarks and the M-Shed, identified as an Unlisted Building of Merit. The application site also forms part of the setting of the Grade II Listed Prince Street Bridge and the setting/framing for the identified long views within the character appraisal from the Prince Street Bridge towards Bedminster (as shown in Appendix 2) and St Mary Redcliffe Church/Temple Quarter (as shown in Appendix 3).

The southern elevation of the application building is less visible being within the courtyard created by surrounding buildings; however it is still publically accessible (as shown in Appendix 4).

An important element of the character of many of the buildings that can be found within this part of the City Docks Conservation Area are their slimline, sliding sash, aluminum fenestration. This form, style and material are predominant on the building subject of this application and many adjacent buildings, including both the immediately adjoining buildings and those within the character group described above (as set out in Appendices 2-4). As set out previously, the proposed works are to replace all the existing metal, slim profile, sash windows with top hung, uPVC windows; replace all existing timber bay window features with uPVC bay windows features; and replace all metal framed patio doors and timber framed entrance and louvre doors with uPVC doors on the North and South elevations of the building.

In general, the Local Planning Authority has taken a consistent approach towards replacement and new uPVC windows in Conservation Areas. The use of uPVC within conservation areas is generally not supported by the LPA and the nature of the material in principle is such that the profiles of the frames are bulkier and flatter than more high quality materials such as aluminium and timber, and that the finish of the artificial material is dull, without refinement and of an overtly manufactured appearance. As such the use of uPVC can materially change the appearance of a building and in turn the surrounding environment.

In this instance, whilst the replacement uPVC windows and doors would be of a similar colour to those existing, the frames of the replacement windows and doors, (given the proposed material) would be bulkier and flatter in profile and thus not as slimline and detailed as the existing aluminium windows and aluminium and timber doors. As stated above the fenestration is an important element

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of the building's existing architectural quality and detailing. The manufactured plastic finish of the material is dull and without refinement which further erodes the quality of the appearance of the fenestration. The visual impact of the heavier and flatter profile of the proposed uPVC windows is also exacerbated by the significant number of windows and doors proposed to be replaced (a total of 116no. windows and 14no. doors); and the addition of trickle vents to the top rail of the window unit (which requires additional space within the frames thus increasing the frame width and introduces a protruding feature within the frames) also draws more further unwarranted attention to the fenestration

Further, the proposal includes the replacement of the two large timber feature bay windows on the northern elevation with uPVC frames. Given the size, multi-paned design and protruding nature of these features, the increased bulk of the frames and the poor quality appearance of the material due to the use of uPVC will be particularly pronounced and thus harmful.

In addition to the stated concerns relating to the new material, the proposals also include the wholesale change to the form and style of window from the predominant existing sash fenestration to an incongruous top hung unit. The lack of a sliding sash style and form further differentiates the windows proposed from those found in the immediate area causing further harm to the character and appearance of the prominent five storey character building and failing to preserve or enhance the character or appearance of this part of the City Docks Conservation Area and the setting of key views and other heritage assets as identified above.

The applicant has advised that the existing aluminium windows are failing and that the UPVC windows will provide improved energy efficiencies over the previous windows. This is acknowledged by the LPA and replacement windows per se would not be unacceptable for this building, subject to detail. However officers are of the opinion that there are more sensitive alternative options to the installation of the unsympathetic uPVC windows proposed by the applicant available (including double glazed aluminium or timber units). These alternative options also meet energy efficiency requirements; are recyclable and are routinely proposed and accepted in sensitive locations and buildings within Bristol. As such, the stated wider benefits of the use of uPVC by the applicant are therefore not fully accepted and do not outweigh the harm caused by the proposals as submitted in this instance. During the course of the application process, the applicant was also offered the opportunity by officers (in seeking a positive outcome for the development) to amend the scheme to incorporate a more sensitive solution of aluminium or double glazed timber units (with sliding sash openings to the relevant windows). The applicant was also advised that this form of proposal was likely to be supported again subject to detail. Unfortunately the applicant has declined to amend the scheme in this manner

Furthermore, in a further attempt to work with the applicant, officers gave the applicant the opportunity during the application process to submit full large scale drawings and scaled section details for all the replacement window and door types in order for them to try to demonstrate that the new profiles would not result in a material change to the appearance of the windows from the existing fenestration treatment. Whilst some minimal information was submitted this unfortunately did not include the required large scale drawings and scaled sections requested and therefore officers were unable to fully ascertain the depth and extent of the profile projection of the proposed frames and the assessment has therefore been made on the basis of the information presented. That said, it should be noted however, that it is the view of officers that notwithstanding the lack of information presented in this case; given the characteristics of uPVC in general (as set out above), and given past experience, the replacement of the windows as proposed would not appear similar to the existing fenestration and would not be supported in principle.

It is noted that there are some examples of uPVC windows in the surrounding area and an initial investigation into these units has been undertaken. No record of these windows receiving planning consent to change to uPVC can be found after this preliminary search. This notwithstanding, the uPVC windows/doors witnessed in the surrounding area affects one or two less prominent

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windows/doors and not an entire elevation of a prominent five storey building. The Local Planning Authority therefore does not consider that the sporadic, unauthorised use of uPVC windows in this area has reached such a level whereby it can be said that they now form a predominant character of the Conservation Area. Similarly nor can it justify the use of uPVC as proposed in this case. Overall it is clear from visiting the Conservation Area that the use of aluminium sliding sash windows is still the dominant form of window used in the area and as mentioned above, any increased use of uPVC ultimately poses a threat to the City Docks Conservation Area as witnessed in other parts of the City Docks.

In conclusion, the bulkier, flatter profile and poor quality material and overall appearance of the replacement uPVC units along with the change of fenestration style and form would result in a significant harm to the architectural integrity of the host character building; the character and appearance of this part of the surrounding City Docks Conservation Area (including the character group of adjacent buildings and identified key views); and the setting of other nearby heritage assets (including the Grade II Listed Prince Street Bridge, and the City and Queen Square Conservation Area). The harm would be further exacerbated by the cumulative impact of the significant number of windows and doors involved and the insensitive replacement of the prominent bay windows features.

**(B) WILL THE PROPOSAL POSE A THREAT TO SURROUNDING RESIDENTIAL AMENITY?**

Policy BCS21 in the Bristol Core Strategy (Adopted 2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM30 in the Site Allocations and Development Management Policies (Adopted 2014) also expresses that alterations to buildings should safeguard the amenity of the host premises and neighbouring occupiers. Care should therefore be taken to ensure that any alteration does not result in unacceptable overlooking or loss of privacy.

The replacement windows and doors are proposed in the same location as those existing and whilst the window openings would be revised under this application, the revisions will not enable any additional overlooking to neighbouring properties than the existing situation to warrant refusal on this issue. Subsequently there is no concern in terms of impact on residential amenity in this instance.

**CONCLUSION**

Unfortunately the applicant has chosen not to amend the scheme in line with officer advice and as such the recommendation to Members is therefore for the refusal of this application.

The proposed replacement uPVC windows and doors by virtue of their bulkier and flatter frame profiles; poor quality material and overall appearance; as well as the proposed change of style and form of the window openings from traditional sliding sashes to top hung units, would result in an unsympathetic alteration causing significant harm to the architectural integrity of the host character building; the character and appearance of this part of the surrounding City Docks Conservation Area (including the character group of adjacent buildings and identified key views); and the setting of other nearby heritage assets (including the Grade II Listed Prince Street, and the City and Queen Square Conservation Area). This harm would be further exacerbated by the cumulative impact of the significant number of windows and doors involved and the insensitive replacement of the prominent bay windows features.

The scheme is therefore contrary to guidance contained within the NPPF, Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011), Policies DM26, DM30 and DM31 of the Bristol Local Plan, Site Allocations and Development Management Policies (July 2014); Policies BCAP30 and BCAP32 of the Bristol Central Area Plan (March 2015) as well as



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guidance within Section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the City Docks Character Appraisal (December 2011) and the City and Queen Square Character Appraisal (March 2009).

**COMMUNITY INFRASTRUCTURE LEVY**

How much Community Infrastructure Levy (CIL) will the development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

**BACKGROUND PAPERS**

Appendix 1 - Location Plan

Appendix 2 - Long View Prince Street Bridge to Bedminster

Appendix 3 - Long View Prince Street Bridge to Redcliffe/Temple Quarter

Appendix 4 - Photographs of Application Site and Surroundings

**RECOMMENDED REFUSE**

The following reason(s) for refusal are associated with this decision:

**Reason(s)**

1. The proposed replacement uPVC windows and doors by virtue of their bulkier and flatter frame profiles; poor quality material and overall appearance; as well as the proposed change of style and form of the window openings from traditional sliding sashes to top hung units, would result in an unsympathetic alteration causing significant harm to the architectural integrity of the host character building; the character and appearance of this part of the surrounding City Docks Conservation Area (including the character group of adjacent buildings and identified key views); and the setting of other nearby heritage assets (including the Grade II Listed Prince Street, and the City and Queen Square Conservation Area). This harm would be further exacerbated by the cumulative impact of the significant number of windows and doors involved and the insensitive replacement of the prominent bay windows features. The scheme is therefore contrary to guidance contained within the NPPF, Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011), Policies DM26, DM30 and DM31 of the Bristol Local Plan, Site Allocations and Development Management Policies (July 2014); Policies BCAP30 and BCAP32 of the Bristol Central Area Plan (March 2015) as well as guidance within Section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the City Docks Character Appraisal (December 2011) and the City and Queen Square Character Appraisal (March 2009).

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

06 Window details, received 8 February 2016

01 Site location plan, received 10 December 2015

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02 Site plan, received 10 December 2015

03 Existing elevations, received 10 December 2015

04 Proposed elevations, received 10 December 2015

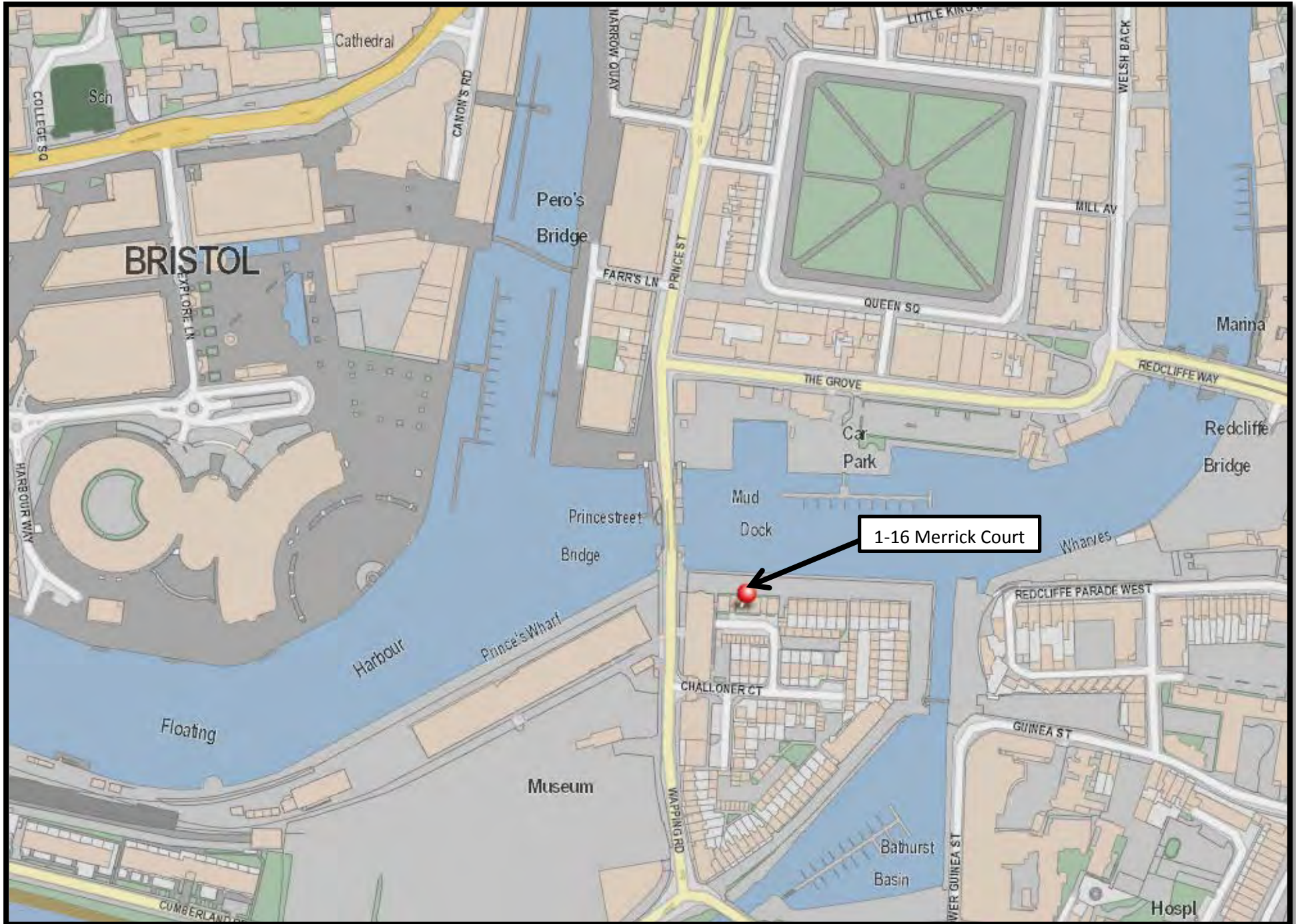
05 Proposed window & door schedule, received 10 December 2015

BACKGROUND PAPERS

Conservation Section

13 January 2016

# Location Plan



Long Views from the Grade II Listed Prince Street Bridge towards Bedminster



Long Views from the Grade II Listed Prince Street Bridge towards St Mary Redcliffe Church/Temple Quarter.



North Elevation of No's 1-16 Merrick Court, fronting the waterside



View from across the waterside



Character Group continuing into Bathurst Basin



South Elevation of No's 1-16 Merrick Court

