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## Item 7.2

**Application:** 162969  
**Proposal:** Application for removal or variation of condition 2 following grant of planning permission 161912.  
**Location:** West Stockwell Street, Colchester  
**Ward:** Castle  
**Officer:** Daniel Cameron

## **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Homes (CBH).

## **2.0 Synopsis**

2.1 The key issues explored below are the impact of the amended window design on the affected properties and upon the character of the Colchester Conservations Area 1.

## **3.0 Site Description and Context**

3.1 This application affects several unlisted buildings within the Dutch Quarter. All are of modern construction dating from between the mid 1950's to the 1970's and formed part of a series of infill developments built in the vernacular style to mimic the historic buildings and streetscapes exhibited within the Dutch Quarter.

## **4.0 Description of the Proposal**

4.1 Planning application 161912 was approved by Planning Committee in October 2016. This application gave permission for the replacement of windows and doors to the affected properties within the Dutch Quarter.

4.2 This application seeks to alter the approved plans which formed part of condition 2 of the previous planning application. This is to allow trickle vents to be added to the windows. This detail was left out of the previously approved application and the applicant would like to add it.

## **5.0 Land Use Allocation**

5.1 The existing land use allocation within the current local plan is predominantly residential.

## **6.0 Relevant Planning History**

6.1 Prior to the previous application (161912) the most recent planning applications on CBH properties within the Dutch Quarter were a pair of retrospective planning applications for the retention of a pair of timber framed sash windows. Both applications were approved by Planning Committee in 2014.

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character  
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP14 Historic Environment Assets

## **8.0 Consultations**

8.1 Consultation was undertaken as to the impact of the proposed changes to the windows upon the character of the conservation area. It was concluded that trickle vents, as a modern addition to windows are not commonly seen within the area. Individually the trickle vents would have little impact upon the character of the conservation area, although taken together their cumulative impact would be far greater.

8.2 To that end it was requested that on those windows that faced out into the surrounding Dutch Quarter a beading detail be added to screen the trickle vents, allowing them to function normally, but maintaining the surrounding character. Generally it was accepted that if this detail were to be provided, the harm to the character of the area would be small and not of sufficient weight to override the benefit of better ventilation to the residents of those properties affected.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

9.1 N/A. The application site lies within an unparished town centre ward.

## **10.0 Representations**

10.1 This application was put out to public consultation until the 22<sup>nd</sup> December 2016. It was advertised through site notice, press advert and on the Council's website. At the time of writing no public representations have been received.

## **11.0 Parking Provision**

11.1 N/A.

## **12.0 Open Space Provisions**

12.1 N/A.

## **13.0 Air Quality**

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

14.1 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 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

15.1 As this application is made pursuant to Section 73 of the Town and Country Planning Act 1990 the only question to consider is whether the change to condition 2 is acceptable. The amended drawing is identical to that previously approved under application 161912 with the exception of the additional trickle ventilation to be added to the windows. These vents would allow for a moderate amount of air flow to enter the affected properties, with the hope that this would aid in preventing any future issues with damp and rot.

15.2 Under current Building Regulations trickle vents are required for all windows on new build properties. Existing properties are only required to provide trickle vents on their windows if the windows being replaced previously contained them. Where the windows being replaced did not contain trickle vents, there is no obligation to provide them. However, it should be noted that Building Regulations do advise that some kind of alternative means of passive ventilation should be provided to the property.

- 15.3 Given the aluminium windows being replaced through this application did not previously contain trickle vents, there is no requirement to add them now. However, the applicant feels that their addition would deal with any future damp or rot issues which may occur at these properties which have been reported in the past. This measure would offer their tenants a more pleasant environment in which to live and should also mean that future maintenance costs at these properties are reduced.
- 15.4 While other methods of passive ventilation are open to the applicants, through the installation of air bricks or core drill vents, they feel that the harm caused to the visual character of the conservation area and the financial cost of installing the measures make them unattractive.
- 15.5 The design and material construction of the windows will remain unchanged by this application. A single trickle vent would be added to the single paned windows while two would be added to the triple paned bay windows. Individually, there is little harm which is likely to be caused by the addition of trickle vents to these windows, despite these being modern features not being additions typically seen within the conservation area. The cumulative impact of the feature, however, is likely to have an appreciable impact upon the wider character of the conservation area which is likely to cause some slight harm.
- 15.6 Given that the NPPF allows for this slight harm can be offset through the wider public benefits of the scheme and given the improvement in living conditions that this application will bring the CBH tenants within the affected properties, and also to CBH through reduced maintenance costs, there is a clear public benefit to alleviate some of the harm.
- 15.7 In an attempt to eliminate all harm from the project, the developer is prepared to offer a beading or baton detail to those windows facing out into the Dutch Quarter. This will cover the trickle vent, hiding the vent itself while still allowing it to function normally. This will be secured by condition.

## **16.0 Conclusion**

- 16.1 On the basis of the report presented and bearing in mind that the alterations to the windows are of insufficient weight to greatly impact upon the character of the conservation area, while providing a much improved living environment for the tenants of these CBH properties, it is recommended that Planning Committee approve the application subject to no material objections being received regarding the application and subject to the conditions below.

## 17.0 Recommendation

17.1 APPROVE subject to the following conditions. Please note that approval of an application made under Section 73 of the Town and Country Planning Act 1990 results in a new planning permission being issued. As the previous permission continues alongside this one, the same conditions as approved previously should be imposed. The alteration from the previous conditions list is highlighted in **bold**.

## 18.0 Conditions

### 1 - 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 - \*Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers A-1516-PL-01 Revision A, A-1516-PL-04, **A-1516-PL-06 Revision A**, A-1516-PL-07 Revision A and A-1516-PL-09.

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

### 3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

### 4 - Non-Standard Condition/Reason – Finshes of Doors

The replacement doors hereby approved shall each be finished in one of the colours shown on drawing number A-1516-PL-09 and retained as such hereafter.

Reason: To ensure the colour of the doors are appropriately reflect the traditional character of the conservation area.

### 5 - Non-Standard Condition/Reason – Window Frame Colours

Prior to the installation of the windows hereby approved, the outer frames of the windows shall be repainted in a colour, to be submitted to and agreed in writing with the Local Planning Authority. Once agreed, the outer window frames shall be painted according to the submitted details and thereafter maintained in accordance with the agreed details.

Reason: To preserve the historic character of the conservation area.

**6 - Non-Standard Condition/Reason – Beading or Baton Details**

**The windows hereby approved that address public street frontages and face out into the wider Dutch Quarter shall be fitted with an external beading or baton detail such that the trickle vents are suitably screened from public view.**

**Reason: To preserve the historic character of the conservation area.**

**19.0 Informatives**

(1)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.

(2)PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.