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Item No: 7.4

Application: 180572

Applicant: Mr A Shelmerdine, Colchester Borough Homes

Agent: Ms Linh Bane, Inkpen Downie Architecture

Proposal: Replacement of single-glazed timber windows with double-glazed UPVC windows.

Location: 21-27 South Street, Colchester, CO2 7BJ

Ward: New Town & Christ Church

Officer: Daniel Cameron

Recommendation: Approval subject to the conditions outlined within the report.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee as the application is being on behalf of Colchester Borough Homes (CBH).

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the replacement windows on the appearance of the properties and
- 2.2 The application is subsequently recommended for approval subject to the conditions outlined within this report.

3.0 Site Description and Context

- 3.1 South Street is located to the south of Colchester town centre, and is located close to Butt Road. It runs roughly east-west and connects Walshingham Road with West Street.
- 3.2 The area is predominantly residential in terms of use and built form is typical of Victorian terrace housing. The affected properties are part of a modern infill development, which aims to replicate the polite built form of the area, but is notable for the use of a brown brick string course and a covered porch to each property.

4.0 Description of the Proposal

- 4.1 It is proposed that the current timber sash windows at the affected properties be replaced with double glazed uPVC casement windows.
- 4.2 The current timber windows are in poor condition and are inefficient terms of retaining heat which encourages damp within the properties. The replacement would reduce the maintenance burden that falls on CBH and improve the quality of life for the tenants.

5.0 Land Use Allocation

- 5.1 The current Local Plan defines the area as predominantly residential. No specific use is allocated within the emergent Local Plan.

6.0 Relevant Planning History

- 6.1 There is no planning history on this site relevant to the current proposed development.

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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity

7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide

8.0 Consultations

8.1 None received

9.0 Parish Council response

9.1 The application site sits within an unparished town centre ward. No comments are forthcoming.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No public representations were received.

11.0 Parking Provision

11.1 N/A. This application does not affect the current level of parking provision at the property, nor will it lead to increased demand within the immediate area.

12.0 Open Space Provisions

12.1 N/A. This application does not affect the current level of open space at the property, nor will it lead to increased demand within the immediate area.

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 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 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 The main issues in this case are:

- The Principle of Development;
- Design;
- Impact on the Surrounding Area; and
- Impacts on Neighbouring Properties.

15.2 The properties affected by this application comprise a group of flats. As such permitted development rights for the replacement of windows are not established. That being said, regard should be given to the provisions contained within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class A of Part 1, Schedule 2 normally allows for the replacement of windows to a given dwelling house provided that the materials used are of a sympathetic nature. Technical guidance published with the Order make it clear that materials do not have to match those of the existing windows, but must be visually similar.

15.3 Local Plan Core Strategy policy UR2 requires development to be informed by the context of their surroundings and to provide high quality design. This policy along with Development policies DP1 require a high standard of design from development proposals.

15.4 The principle of development is therefore predicated on the ability of the application to show that the replacement windows are of sufficient design merit. It is clear that the form and finish of the proposed windows are of greater importance than the material in determining their visual impact.

15.5 Existing issues with the current windows include their difficult and costly maintenance, their age and increasing state of wear, and their undesirable impact upon the amenity enjoyed by the tenants owing to issues of condensation and in some cases, mould which is attributable to the poor thermal performance of the windows. There is therefore a clear public benefit to their replacement.

15.6 In design terms the uPVC windows do attempt to replicate the visual appearance of the timber sash windows, however, the double glazing element necessitates a deeper section profile and the frames are not as slender as the existing windows. That being said, they are not excessively chunky either and care has been taken to reflect the window types expressed throughout the immediate townscape.

15.7 In terms of impacts on the surrounding area and on neighbouring properties, no new openings are proposed and bathroom windows would continue to be obscure glazed. Given that a number of properties in the immediate area already exhibit similar uPVC windows it is unlikely that the proposed windows would constitute appreciable harm.

16.0 Conclusion

16.1 To summarise, there are clear benefits of the scheme both to CBH in reducing their maintenance burden, and to their tenants through the improvement in their living conditions. The design of the replacement windows is competent, attempting to replicate the form of the existing windows. There are no clashes with either national or local adopted planning policies.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - 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. ZBB – Materials As Stated in Application

The external facing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

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

3. ZAM –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-1801-PL 01, A-1801-PL 02 and A-1801-PL-03.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

ZTB - Informative on Any Application With a Site Notice

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.