

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**PLANNING APPLICATIONS COMMITTEE 16/08/2022**

**REPORT BY THE DIRECTOR, PLANNING AND PLACE**

<b>Application:</b>	PP/21/07203	<b>Agenda Item:</b>	STR04	
<b>Address:</b>	Swinbrook Estate, LONDON, W10 5RA			
<b>Proposal:</b>	Replacement of windows with UPVC double glazed windows on properties of the estate.			
<b>Applicant:</b>	RBKC			
<b>Agent:</b>	Mr Moorley TPM Studio			
<b>Properties notified:</b>	<b>Objections:</b>	<b>Support:</b>	<b>Comments:</b>	<b>Petition:</b>
642	48	15	5	0

**ADDENDUM REPORT BY THE DIRECTOR**  
**PLANNING AND PLACE**

**Swinbrook Estate, LONDON, W10 5RA**

**FOR DECISION**

**1. Background**

- 1.1 Planning application PP/21/07203 was considered by the Planning Applications Committee on 07/06/2022. The application seeks planning permission for the replacement of the existing timber framed windows for double glazed, UPVC framed windows. The colouring of the windows to be white or brown, depending on the site context. The final colouring will be secured by condition.
- 1.2 The officers report presented to the committee recommended that the addition of the UPVC windows would continue to preserve the character and appearance of the application buildings and surrounding townscape, noting that the buildings are not located within a designated Conservation Area. Further to this, it was outlined that the replacement of the windows would continue to preserve the amenities of the existing building and would allow for the existing windows, many of which are in poor condition, to be replaced.
- 1.3 The committee raised concerns with the level of detail provided within the application and requested that further information was provided to demonstrate the impact the replacement windows would have in terms of the appearance and living conditions. Further to this, there were concerns raised in relation to the appropriateness of the UPVC windows for fire safety reasons and also questions raised in relation to the justification for the windows to be replaced across the estate as a whole.

- 1.4 Without a detailed understanding of the proposed windows and the background to the application, the Committee were unable to make an informed decision. Members therefore resolved to defer their decision so that more information could be provided.
- 1.5 The scheme in all respects is the same as that was presented previously to the committee. Given the nature of the deferral, formal re-consultation with neighbouring residents was not required. It should be acknowledged that since the last committee meeting, an additional objection has been received along with a letter of support from the Swinbrook Residents Association. Members attention is drawn to the contents of these letters.

## 2. Evaluation

2.1 Since the committee meeting, additional supporting information has been received including:

- Existing window archetypes at a scale of 1:20, for window types 1,2,3,4 and 5, dated 20/07/2022, by Rider Levett Bucknall
- Existing window archetypes at a scale of 1:20, for window types 6,7,8 and 9, dated 20/07/2022, by Rider Levett Bucknall
- Existing window archetypes at a scale of 1:20, for window types 10 and 11, dated 20/07/2022, by Rider Levett Bucknall
- Proposed window archetype at a scale of 1:20, for window types 1 and 2, dated 20/07/2022, by Rider Levett Bucknall
- Window Survey by Amber Construction Services Ltd, dated 13<sup>th</sup> July 2022
- Specifier Guide (for windows, doors, and curtain walling) for the likely window replacement, by REHAU
- Brochure of the likely Window Type - Total70-brochure
- File note by RBKC Fire Risk Management Team, by Keith Todd

2.2 The original committee report is produced below.

2.3 The submitted drawings showing the window archetypes detail a cross section of the properties within the estate capturing and representing various window archetypes. These are shown on the existing window drawings (for window archetypes 1 to 11) and consist of windows from the following properties:

House No.	Block	No. of Archetypes
2	Wornington Road	1
60	Wornington Road	1
61	Wornington Road	1
8	Orchard Close	1
41	Orchard Close	1
4	Morgan Road	1
16	Blagrove Road	1
2	Swinbrook Road	1
14	St Ervans Road	1
113	Acklam Road	2

2.4 These existing window archetypes do not represent every one of the window archetypes present within the estate as a whole, but all the most common variations have been captured. The details provided allows for a comparison to be made between the existing timber frame size against the proposed UPVC frame size of 75mm. Drawings showing the full elevation of each block have not been provided due to the scale of that exercise, although the original submission does include a detailed photographic survey which shows each blocks' elevation and the existing windows which are sought to be replaced.

- 2.5 Further to the elevational details, product brochures have been provided to show the likely supplier for the replacement windows (this is shown in the TOTAL70 section of the REHAU guide). This allows for further information on what the proposed windows will look like in relation to the thickness of the bars and the overall appearance of the UPVC.
- 2.6 Officers remain of the opinion that the use of UPVC framing is acceptable given the sites context, appearance of the buildings and the materiality within the surrounding area. The additional information provided allows for a further assessment to be made against the existing thickness of the timber windows and the proposed replacement windows. Recommended Condition 3 requires final comparative information to be provided for all archetypes within the estate. From the information provided it appears that the windows would be increased in thickness, by approximately 25mm. Whilst there would be an increase in thickness, officers consider that this would still allow for the original character and appearance of the estate to be preserved and there would be no wider harm to the setting of any nearby Conservation Areas.
- 2.7 In addition to the information provided on the existing and proposed windows, a window survey has been undertaken by Amber Construction Services Ltd. The window survey includes two flats at Acklam Road and Orchard Close with the purpose of the survey being to measure 2 window types (externally). The profile was deemed to be between 60-65mm for the window surveyed at Acklam Road when measured at various locations with a slight variation on the size due to the poor condition of the window. The window measured at Orchard Close again measured between 60-65mm. It is noted that there was no internal access to ascertain size/depth of the frame internally.
- 2.8 At the Committee meeting in June the question was raised that thicker framing might reduce the amount of daylight entering a room. The window survey outlines that the difference between the existing and new profiles will actually have little impact on the loss of light entering the room. It is suggested that the loss of light to the interior would be approximately 5% (when assuming that the window profiles are increased by 10mm). The BRE guidance for daylight states that a 20% reduction in light would be unlikely to be noticeable for the occupier. On this basis it is concluded that there would not be a noticeable impact upon the living conditions presently enjoyed within the flats.
- 2.9 The survey provided is useful to demonstrate that a further assessment has been made by the applicant and care is given to the living conditions of the existing occupiers. Whilst there is a slight variation in the figures used for the existing and proposed window thickness when cross referencing the window survey by Amber Construction Services Ltd and the drawings provided by Rider Levett Bucknall, both do demonstrate that the thickness of the windows will be increased by 10 – 25mm. Officers note that this measurement would differ when considering the variety of windows across the estate and the condition of the individual windows. Whilst there may be a greater increase in the thickness of the windows on some buildings, this would still allow for good levels of light to be received into these rooms and the living conditions of the existing occupiers and any future occupiers would be maintained.
- 2.10 In addition to the appearance of the windows and the impact on living conditions, members sought further information on the condition of the existing windows and how many may be capable of repair. As part of the application process further discussions have taken place the applicant's team where it has been suggested that a window survey has been carried out, however, this does not cover the estate in its entirety. This was discussed as part of the previous committee meeting.
- 2.11 Whilst this does form useful background for the application, a planning application does not require justification to be provided alongside a proposal. The proposals are determined on the basis on their accordance with development plan policies and any other material considerations. From the photos provided and the site inspections, it is clear that there are a range of window conditions within the estate, including many in poor condition. This is also referenced within the support letters received, noting the comments from the Swinbrook Residents Association. As such, full details on the number of windows in need

of replacement or repairing across the estate has not been provided as part of the supplementary documents. Members should still be in the position to form a recommendation on the application without this.

- 2.12 Lastly, discussion was had in relation to the fire resistance of UPVC and the differences to the existing material (timber). Whilst this does not form a consideration as part of this planning application it is acknowledged that this is a consideration which members required further information on. In basic terms both UPVC and timber burn, with different characteristics, with UPVC generally requiring a higher temperature for ignition than timber, but these details are matters for manufacturing standards and for the Building Regulations and are not the subject of development plan policies applicable to this application. This application has been supported by a note from the RBKC Fire Risk Management Team (Keith Todd). It re-emphasises that this matter does fall within a separate legislation to planning (primarily the Building Regulations), however, members may find this file note useful to provide some further information in relation this matter.

### **3. Recommendation**

- 3.1 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. As set out in the committee report the proposal complies with the development plan in all respects.
- 3.2 The Planning Applications Committee is asked to endorse the recommendation to grant planning permission for the reasons set out in the original report to Committee (below).

## **APPENDIX 1: ORIGINAL REPORT TO COMMITTEE**

### **THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

#### **PLANNING APPLICATIONS COMMITTEE 07/06/2022**

#### **REPORT BY THE DIRECTOR, PLANNING AND PLACE**

## **1. Summary**

- 1.1 It has been demonstrated that, subject to the recommended conditions, the proposed replacement windows would preserve the character and appearance of the individual buildings, the Swinbrook Estate as a whole, and the nearby Conservation Areas. The proposed scheme would continue to ensure good living conditions for the occupants of the existing and neighbouring buildings and would have an acceptable environmental impact.
- 1.2 The proposal is therefore acceptable and would accord with the relevant Development Plan policies. There are no material considerations to indicate a decision otherwise than in accordance with the Development Plan.

**It is recommended the Committee grants planning permission with the conditions listed in Section 8 of this report.**

## **2. Reason for committee consideration**

Three or more objections were received during the consultation period and the recommendation is to grant.

The Director considers it appropriate that the Committee determines the application.

## **3. The site and its surroundings**

- 3.1 The application site is the Swinbrook Estate, a residential estate located off Portobello and Golborne Road. The estate is formed by an arrangement of 20 different building typologies built in the 20<sup>th</sup> Century. The buildings are characterised by London Stock Brick. There is a variation in the fenestration colour, material, and appearance across the estate.
- 3.2 The site lays outside of a Conservation Area. The Oxford Gardens Conservation Area is located to the southwest, and the Colville Conservation Area to the south east.
- 3.3 The buildings forming the Swinbrook Estate are not listed. To the north of the site lays Grade II and Grade II\* Listed Buildings.
- 3.4 The application site is within Flood Zone 1, and outside of a designated critical drainage area.

## **4. The proposal and any relevant planning history**

- 4.1 This application seeks full planning permission for the replacement of the existing single glazed timber windows with new reinforced UPVC double glazed windows. The proposed replacement windows are to be carried out to the following buildings on the following streets:

- Acklam Road
  - Blagrove Road
  - Bevington Road
  - Orchard Close
  - Orchard Close
  - St Ervans Road
  - Wornington Road
  - Morgan Road
  - Wornington Road
  - St Ervans Road
- 4.2 This application has been supported by a photo survey showing the existing elevations of the buildings and what windows are seeking to be replaced. The windows within the estate have been broken down into different typologies depending on the window size/arrangement.
- 4.3 The proposed UPVC windows would be framed in a colour to match the existing. It is noted that the estate currently includes a variety of colouring. This application has been supported by a product brochure to show the indicative appearance of the UPVC windows.
- 4.4 There would be no changes to the scale or massing of the existing buildings.
- 4.5 Whilst there has been a number of planning applications along the properties within the estate, there are no planning applications of particular relevance to the proposed development.

## 5. Main policies and strategies relevant to the decision

### The development plan

- 5.1 The main planning considerations applying to the site and the associated policies are:

	Local Plan 2019
Conservation Area	CL3, CL11
General townscape	CL1, CL2, CL6
Living conditions	CL5

These policies can be read online at:

- Local Plan:  
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>

### Other local strategies or publications

- 5.2 The main relevant supplementary planning documents adopted by the Council are:
- Colville and Oxford Gardens Conservation Area Proposal Statement/Appraisal

These documents can be read online at:

Conservation Area Proposal Statements and Conservation Area Appraisals:  
<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>

## **6. Evaluation**

- 6.1 The proposed development would ensure good living conditions are maintained for the occupants of the existing and neighbouring buildings. The replacement windows would be in the same location as the existing and would maintain the same relationship with the surrounding properties as the existing arrangement. As such, the proposed development would comply with policy CL5 of the 2019 Local Plan.
- 6.2 The application site is located within Flood Zone 1, outside of a designated critical drainage area. As such, in accordance with policy CE2 a site-specific flood risk assessment is not required. Further to this, due to the nature of the proposed works, it is not considered reasonable to require further details on surface water run-off or SUDs. As such, the proposal is considered to accord with policy CE2 of the 2019 Local Plan.
- 6.3 Due to the distance to the listed buildings to the north of the site, the proposals would continue to preserve the setting of the Grade II and Grade II\* Listed Buildings and would comply with policy CL4 of the 2019 Local Plan.
- 6.4 The decisive issues are:
- i Whether the proposal would preserve or take opportunities to enhance the character and appearance of the application buildings, wider area, and nearby Conservation Areas; and
  - ii Whether the proposals would have an acceptable environmental impact.

### **Character and appearance**

- 6.5 The replacement of the existing timber framed single glazed windows with UPVC windows would be acceptable and would continue to preserve the character and appearance of the host buildings, the estate, and the setting of the nearby conservation areas.
- 6.6 Swinbrook Estate is formed of 20 different building typologies and a number of different window typologies, and therefore the character and appearance within the estate itself can differ from street to street. It is acknowledged that over time some windows within the estate have been replaced with UPVC windows, and the current scheme would look to replace all of the windows within the buildings to the same UPVC windows. The proposal details that the windows would be replaced on a like for like colouring and therefore this would include a variation of brown and white windows, depending on the street and the colouring of the existing windows. This is an acceptable approach and would ensure that the existing character which colouring of the existing windows contribute to would be preserved. Further details of this will be secured by way of a planning condition so that the Local Planning Authority can approve different colourings across the estate (recommended condition 3).
- 6.7 In relation to the setting of any nearby Conservation Areas, the existing buildings themselves are not located within a Conservation Area. The Oxford Gardens Conservation Area is located approximately 80m to the southwest and the Colville Conservation Area is located approximately 100m to the southeast. Due to the distance from these conservation areas the intervening buildings and roads, the change of the window material within the estate would continue to preserve the setting of the conservation area. Further to this, the estate is not located within any key views (as indicated in the conservation area appraisal documents), and therefore, the replacement of the windows would also protect longer townscape views when viewed in connection with the nearby conservation areas.
- 6.8 In summary, the proposal would continue to preserve the character and appearance of the individual buildings, the estate as a whole and the setting of any nearby conservation

areas. As such, the proposal would comply with policies CL1, CL2, CL3, CL6 and CL11 of the 2019 Local Plan and the guidance within the NPPF.

### **Environmental Matters**

- 6.9 It is acknowledged that as part of the consultation of this application several concerns have been raised in relation to the Council's greening policies and the recently adopted Greening SPD Document. It is recognised that the Council seeks for new and existing buildings to deliver the best possible standards to reduce harmful carbon emissions, aiming to improve energy standards, reduce pollution and delivery urban greening, as set out as part of the Greening SPD. Further to this, it is noted that the Council has produced a householder guide to sit alongside the Greening SPD. This document makes references to windows in section 3 (retrofitting existing buildings). However, this appears to specifically relate to works to properties within conservation areas or that are listed. Nevertheless, it sets out that the replacement of single glazed windows to double glazed windows which are energy efficient replacements will be supported.
- 6.10 In relation to policies within the Local Plan, policy CO7 of the 2019 Local Plan relates to the Council's strategic objective for respecting environmental limits. This outlines that the Council's strategic objective to respect environmental limits is to contribute to the mitigation of, and adaptation to, climate change, significantly reduce carbon dioxide emissions, maintain low and further reduce car use, carefully manage flood risk and waste, protect and attract biodiversity, improve air quality, and reduce and control noise within the borough.
- 6.11 Section 2.9 of the submitted design and access statement references sustainability, where it is suggested that the proposals will result in significant improvements to the energy efficiency of the external building fabric. Further to this, the change from single glazed units to double glazed units will provide reduced heat loss, improving the energy efficiency.
- 6.12 Whilst it is accepted that the Council are striving to reduce carbon emissions, unfortunately there are no current policies which preclude the use of certain materials in relation to their carbon footprint/emissions. Whilst the Greening SPD is a helpful document in relation to carbon emissions, this focuses further on major development for new buildings. As such, the Council do not currently have policies to sustain an objection to the use of UPVC as replacement windows/in new developments. Therefore, the proposal is considered to have an acceptable environmental impact.

### **Issues and balancing**

- 6.13 As set out above, the proposed development would preserve the character and appearance of the application building, surrounding area and the nearby Conservation Areas. In addition to this, the scheme would maintain an acceptable standard of living conditions for the occupiers of the existing and neighbouring properties and would not have a material impact upon the flooding/drainage of the area. The proposal is therefore acceptable and complies with the relevant Development Plan policies. There is no material consideration to indicate a decision otherwise than in accordance with the Development Plan.
- 6.14 Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 and to the need for special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.16 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

## 7. Consultations carried out

### Comments from interested parties

642 nearby owners/occupiers were notified directly of the application.

The application was advertised in the Gazette on 29/04/2022

A statutory notice advertising the application was posted near the site on 29/04/2022

9 letters were received supporting the application, summarised as

	Comment	Response
1	The existing windows are in poor condition and need replacing. The majority of the windows can not be opened.	Noted. It is recommended that this application is granted, subject to conditions.
2	Double glazed windows will be very beneficial.	Noted.
3	The window replacement programme is long overdue.	Noted.
4	The replacement windows will make the buildings much more energy efficient.	Noted.
5	The existing windows are not double glazed, and noise from the motorway and street traffic can be heard.	Noted.

47 individual letters were received objecting to the application, it is noted that one letter which included 65 names has also been received. These objections are summarised as:

	Comment	Response
1	The proposal is an abuse of power by the Council as many leaseholders have these windows already.	This does not fall within the scope of the assessment of the planning application and would not be considered a material planning consideration. Upon communication with the Councils housing team, it has been confirmed that each lease states that the external fabric of the block is owned by the Council, which includes the windows and it is the Councils obligation to maintain its housing stock.
2	Concerns in relation to the costing of the windows and how leaseholders will pay for the replacement windows. Previously pad service charges must fund this work.	This does not fall within the scope of the assessment of the planning application and would not be considered a material planning consideration. Individual leases for the buildings will outline the billing process. This is dealt with separately to the planning application process.
3	White UPVC windows would change the entire character of the estate.	The alteration from timber to UPVC windows would continue to preserve the character and appearance of the buildings and the estate as a whole. The use of different colours ensures that the characteristics of the estate are maintained.
4	UPVC windows will lower the value of properties.	Property value is not a material planning consideration and therefore can not fall within the scope of the planning application process.

5	In many cases, any window replacement is unnecessary.	It has been by outlined by the Councils housing department that outlined that a survey has been undertaken for the estate where the windows have been suggested to be in disrepair. Nevertheless, the replacement of the windows would comply with the relevant development plan policies and is acceptable.
6	No trust in the Council to carry out the works to an acceptable standard.	This is not a material planning consideration, although the Councils housing department have confirmed that the Council employ professional bodies to ensure the quality of the finished works meet required standards.
7	UPVC windows are a lower cost initially, but their lifecycle is at most half of that of wood and need routine maintenance, which would not be carried out.	This does not fall within the scope of the assessment of the planning application and would not be considered a material planning consideration.
8	Environmental concerns, including concerns with carbon footprint.	As set out in section 6.9 – 6.12 of this report, the proposal has been found to have an acceptable environmental impact and would improve the buildings thermal efficiency through the change of single to double glazing.
9	Against the Councils green policy, 2021 Environmental Policy, the Greening SPD and the London Plan.	As set out in section 6.9 – 6.12 of this report, the proposal has been found to have an acceptable environmental impact. The Councils adopted greening SPD does not preclude the use of UPVC.
10	Increase risk of fire due to UPVC being highly inflammable and concerns with the toxic fumes are emitted in the event of a fire.	As this is not a major development, details of any fire statements are not required as part of this application. Further to this, this would be dealt with by a separate department, such as building control.
11	Reduction of light into rooms and concerns that more energy will be used by having the lights on more.	The addition of the UPVC windows would not have a material impact on the levels of light or ventilation received to the rooms within the buildings and the proposal would comply with policy CL5 of the Local Plan. Further to this, condition 3 requires further details of the profiles/thickness of the glazing bars to ensure this would not have an acceptable impact in relation to light.
12	They cannot be painted and therefore are more convenient for the Council.	Whilst this is noted, this would not form a reason for refusal or warrant the requirement for an alternative material to be used.
13	UPVC windows that have been fitted by the council are often badly fitted, and leak/the mechanisms buckle/the plastic warps.	This is not a material planning consideration, although the Councils housing department have confirmed that the Council employ professional bodies to ensure the quality of the finished works meet required standards.
14	Deed of variation should be implemented in order to enable leaseholders to carry out their own maintenance, or repair or replacement of the windows as they consider appropriate.	A Deed of variation is not considered necessary as part of this planning application, although the Council's housing department have confirmed that this has been requested by leaseholders and discussions on the matter are ongoing.

15	Neighbouring Councils have banned uPVC windows on the basis of cost analysis, analysis of whole life carbon usage and fire and toxicity concerns.	Whilst this is acknowledged, this does not form a material consideration to allow a decision otherwise than in accordance with the adopted development plan.
16	Wooden windows last three times longer and are not toxic in a fire.	The council do not currently hold any policies within the development plan to preclude the use of certain materials for the fumes omitted during a fire. The proposal has been found to comply with all the relevant development plan policies.
17	Residents of the estate do not want these windows.	This does not fall within the scope of the planning application.
18	There is no analysis of the proposed method of installation which the Ove Arup report for the Grenfell Tower fire states is essential with regards to the structural integrating, use of sealants and stabilising adhesives.	As this is not a major development, details of any fire statements are not required as part of this application. Further to this, this would be dealt with by a separate department, such as building control. There is no requirement for this development to comply with any published report by the Council.
19	There is no description of fenestration design or colour of the UPVC.	The application details that the proposed UPVC windows would match the existing colouring of the timber frame windows. In order for this to be confirmed a condition is considered necessary to require this information prior to the commencement of works (Condition 4).
20	Study's show that CO2 emissions can be saved by choosing timber frames.	As set out in section 6.9 – 6.12 of this report, the proposal has been found to have an acceptable environmental impact. The Councils adopted greening SPD does not preclude the use of UPVC.
21	Kensington and Chelsea is a conservation area and the local plan is to retain wood wherever it is possible and practical to do so.	Swinbrook Estate is not located within a designated Conservation Area. Whilst there are nearby Conservation Areas the replacement of the windows would continue to preserve the setting of the Conservation Areas within the Borough.
22	The proposal is against policy CL1 and CL2 of the Local Plan.	The proposal has been found to preserve the character and appearance of the host buildings, the estate and the wider townscape. As such, would comply with the relevant policies within the Local Plan.
23	Whilst the buildings are not in a conservation area, many of them are viewed within the context of neighbouring conservation areas and high design standards of the conservation area should take precedence.	The Council will seek for all development proposals to preserve views into and out of conservation areas and to preserve the setting of conservation areas. Due to the relationship with the nearest conservation areas, the characteristics and setting would be preserved, and no harm would be caused to the designated heritage assets.
24	Disruption when the replacement windows are installed.	This application will be subject to adherence to the council's code of construction which will help to minimise impacts to local residents.
25	An independent surveyors report shows that the existing windows already provide excellent insulation	Whilst this is noted, this does not form a material consideration to indicate a decision otherwise than in accordance with the

	and they do not need replacing.	development plan. Further to this, the Councils housing department have confirmed that a survey of the windows has been carried out and the buildings where the windows do not need replacing have not been included as part of this application. The requirement of the windows being replaced does not form a material consideration as part of this application.
26	Other planning applications in the estate have required to maintain the character of the development and streetscape.	Whilst this is noted, each application is considered in light of their individual planning merits. Further to this, this proposal would see the replacement of all of the windows on 20 buildings within the Estate giving a more uniform appearance.

4 letters were received raising a general comment to the application, summarised as:

	Comment	Response
1	RBKC have not carried out maintenance of the windows for over twenty years.	Noted. The replacement of the windows forms part of the major works proposals for the Swinbrook Estate.
2	Objection to the plastic windows as they do not follow 'green policy'.	As set out in section 6.9 – 6.12 of this report, the Council do not currently hold any policies within the development plan which preclude the use of UPVC windows within buildings. The change to double glazing will improve the energy efficiency of the buildings and the proposal would comply with the development plan policies.
3	Any charges for window replacement should come out of the service charges.	This is not a material planning consideration and therefore can not be considered under the scope of the planning application. From communication with the Councils housing team, it has been disclosed that within individual leases it is set out how major works will be billed.
4	Acknowledgement of the letter and hope that the application will mean the windows will reduce energy use and bills.	Noted.

## 8. Recommended conditions if the application is granted

### 1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.*

### 2. Compliance with approved drawings

The development shall not be carried out except in complete accordance with the details shown on submitted plans *P100, P101, 1135-P136-0, 1135-P141-0, 1135-P150-, 1135-P160-, 1135-P163-0, 1135-P169-, 1135-P121-0, 1135-P126-, 1135-P151-, 1135-P166-, 1135-P183-0, 1135-P172-0, 1135-P178-0, 1135-P187-0, 1135-P145-0, 1135-P184-0, 1135-P130-0, 1135-P175-0, 1135-P120-0, 1135-P133-0, 1135-P139-0, 1135-P154-0, 1135-P190-0*

*Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.*

**3. Submission of details (Full PP)**

**No development shall commence until full particulars of the following have been submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:**

- (a) Details of the replacement window typologies with plans at a scale of 1:10**
- (b) Details of the proposed window finish for the individual blocks (colouring)**

*Reason – To accord with the development plan by ensuring that the character and appearance of the area are preserved and living conditions of those living near the development suitably protected. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.*

## **INFORMATIVES**

- 1 Your attention is drawn to the Conditions of this Permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990, as amended. All Conditions must be complied with. If you wish to seek to amend a Condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
- 2 Conditions number 3 imposes requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
- 3 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Directorate of Planning and Place, before work commences, if you are thinking of introducing any variations to the approved development.  
  
Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible. Use the following link to see how advice can be obtained: [Planning Advice Service](#)
- 4 This development has been categorised as Category 3 for the purposes of the Council's Code of Construction Practice, so does not require a condition securing a Checklist or Site Construction Management Plan (SCMP). You are reminded that the Code still applies to building works at the site with regard to working hours and other site practices, and you are advised to review the Code to be aware of its objectives <https://www.rbkc.gov.uk/environment/code-construction-practice>
- 5 To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website. A pre-application advice service is also offered.

The scheme was submitted in accordance with advice provided through pre-application discussions.

6 You are reminded that, if not properly managed, construction works can lead to negative impacts on the local environment, reducing residential amenity and the safe function of the highway. The Council can prosecute developers and their contractors if work is not managed properly. For advice on how to manage construction works in the Royal Borough please see the Council's website: [www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx](http://www.rbkc.gov.uk/environmentandtransport/adviceforbuilders.aspx). From this page you will also find guidance on what to include in Construction Traffic Management Plans (where these are required).

7 Construction and demolition work is controlled by the Council under sections 60 and 61 of the Control of Pollution Act 1974. The Council has adopted a Code of Construction Practice which sets out best practice standards expected in the borough and applies to new development projects from April 2019. Under the terms of the Code, works heard at the boundary of the site are restricted to:

**Monday to Friday 8am – 6pm**  
**Saturday, Sunday and public holidays – none permitted**

The code also introduces a further set of restricted hours for high impact activities such as demolition and concrete breaking. Undertaking noisy works outside of the Code hours may be liable for prosecution and a fine of up to £5000 where a notice has been served under the Control of Pollution Act 1974.

If you are required to submit a Code of Construction Checklist and Site Construction Management Plan (SCMP), please contact the Construction Management Team on 020 7361 3002 or by email at [dehcmt@rbkc.gov.uk](mailto:dehcmt@rbkc.gov.uk)

8 Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here [S.61 Control of Pollution Act 1974](#)

**Background papers:**

**Documents associated with the application (except exempt or confidential information) is available at [www.rbkc.gov.uk/PP/21/07203](http://www.rbkc.gov.uk/PP/21/07203) or electronically in our Customer Service Centre, Town Hall, Hornton Street.**

**Contact officer:**

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