Recommendation Report for Planning Permission

REF NO: **BR/141/14/PL**

LOCATION: Danehurst
Sylvan Way
Bognor Regis

PROPOSAL: Replacement windows and doors. Resubmission of BR/176/13

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The replacement windows and doors will be on all floors and elevations of the block of flats. They will be made from white PVCu compared to the existing use of aluminium and PVCu frames. This application is a resubmission and simply alters the style of the windows.
SITE AREA	Approximately 1500 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary treatment facing both Sylvan Way and Victoria Drive comprises a low brick wall with hedging at over 2m in height. To the rear (north), there is close boarded fencing at approximately 1.8m in height with hedging and trees over 2m in height in places.
SITE CHARACTERISTICS	A three storey block of flats with brown brick elevations and a hipped roof with brown pantiles. Balconies are a feature of the elevations.
CHARACTER OF LOCALITY	Predominantly residential. Two storey detached properties of varying styles. A block of flats known as Homecroft House is located immediately to the north.

RELEVANT SITE HISTORY

BR/1077/84	22 One bedroom sheltered flats 1 two bedroom wardens mainsonette in three storey development	ApproveConditionally 22-05-1985

Application BR/176/13/ (replacement windows & doors) was approved in August 2013.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

1 letter of support from a resident of the flats asking for the decision to be expedited quickly to avoid the work being done in the winter.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D SP1	Design
	SD SP2	Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local

Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks to replace all window and doors in the block of flats known as Danehurst

with white PVCu frames. Currently, these frames are made from aluminium and PVCu. There will be no new aperture insertions or enlargements as a result of this application. The window and door opening design will remain the same as existing. Therefore, the visual impact will have a minimal and acceptable change. The flatted block is situated within a residential area where such a proposal can be accommodated without adversely affecting the appearance of the street scene. A block of flats is situated immediately to the north called Homecroft House with PVCu windows and doors. The proposal therefore complies with Local Plan policy GEN7(ii).

RESIDENTIAL AMENITY

Given that there are no additional aperture openings or enlargements, there will be no impact on residential amenity by way of overlooking or loss of privacy. Therefore, the proposal complies with Local Plan policy GEN(iv).

SUMMARY

It is not considered that this application is materially different to the previous approval and therefore it is considered that the application should be approved, subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

WW.025.0L A3 Rev B (site and block plan);
WW.025.02 A1 Rev C (existing elevations & floor plans);
WW.025.01 A1 Rev B (existing elevations & floor plans);
WW.025.06 A1 Rev D (proposed elevations and floor plans);
WW.025.05 A1 Rev G (proposed elevations and floor plans); and
WW.025.04 A2 Rev A (proposed elevations).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.