Recommendation Report for Planning Permission

REF NO: **FP/185/13/**

LOCATION: 75 Felpham Road
Felpham

PROPOSAL: Change 2 No front windows to make longer. This application affects the character and appearance of the Felpham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 71 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to footway with parking, side to church flint wall approximately 1.2m in height.
SITE CHARACTERISTICS	Three storey end of terrace building which was formerly a Bank on ground floor with residential above, roof terrace and fire escape. The property has brown brickwork on lower level, tudor affect detail on upper level with white PVCu windows on upper levels and a brown tiled roof. Two windows on lower level are metal.
CHARACTER OF LOCALITY	Within the Felpham Conservation Area. Parade of shops with butchers and wine merchants. St Marys Church and churchyard to north of site.

RELEVANT SITE HISTORY

FP/144/10/	Painted metal frame windows to be replaced with PVCu windows	ApproveConditionally 04-10-2010
FP/209/10/	Change of use of rear section of building from financial services (A2) to residential (C3), to form a two bedroom flat	Approved Cond + S106 16-02-2011

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

Comments on Representations received:
None.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer
The concept of the change of use is of no concern. However, the key element is the change in the appearance of the front elevation of the unit. The property is part of an attractive terrace of three shops with residential uses above. The two other units already have shop units which appear to be contemporary with their construction. The property in question is different in that it does not have a traditional shop front. Instead, it has two metal framed windows which are reminiscent of its former use as a bank.

The proposal as it currently stands involves lowering the windows. It is considered that this will, on its own, not have an un-due detrimental impact on the conservation area of the property. However, this is subject to the windows closely reflecting the appearance of the existing ones.

Based on the information provided as part of the application, is not clear how the windows will look and I suggest that this can be dealt with by condition.

Further, all materials such as the existing original bricks etc. should be reused as part of the scheme.

Conservation Area Advisory Committee
Objection
Existing windows could be lowered but current design should be replicated. Suggest that the upper 2 panels of the door be glazed only.

Comments on Consultation responses:

Conservation Officer and Conservation Area Advisory Committee comments noted.
If approved, a condition will be imposed relating to design of windows and materials to be used.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Conservation Area
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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, residential amenities of the adjoining properties and would enhance the character and appearance of the Conservation Area and 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

The building is sited within Felpham Village Centre adjacent to St Mary's Church with parking to the front. The ground floor at the time of the officer's visit was unoccupied but was formerly a bank and the first and second floors form a two bedroom flat.

The application seeks to change the existing two windows on the front elevation and modify the existing entrance door to allow more light into the ground floor area. A previous application FP/209/10 for the change of use of the rear section of the ground floor area from A2 financial services to residential C3 to form a two bedroom flat was approved and this has been implemented. The submitted application for the front area of the building is for the modifications to the front elevation and not for a change of use.

The existing crittal windows which are painted white are located each side of the main entrance door and are identical in style with top fan light openings but are not of the same length. On the northern side of the building there was a ATM machine at some point and this has been removed and brickwork reinstated which indicates that this window may at some time have been the same

length before the cash machine was installed. The replacement windows which will be aluminimum will be the same width as the existing opening but the window length will be lower and the style of the window will have a central glazing bar with stone sill. The existing door which has 8 wood panels and is of a solid appearance is to be replaced by 8 glass panels.

The Conservation Officer has been consulted and has raised no objection subject to a condition relating to materials and details of windows.

It is not considered that the changes to the windows would look out of character with the existing building, nor would they be obtrusive in the street scene or harm the established character and appearance of the surrounding area and the Conservation Area.

The application is recommended for approval, subject to 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 1 (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 a neutral impact has 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).

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: Location/Block/Floor Drg No 2 dt 5.1.11, Proposed Elevation received

on 25th October 2013.

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 Notwithstanding Condition No 2 no development shall take place unless and until plans of the windows at a scale of 1:50 showing details of the materials and openings have been submitted to and approved by the Local Planning Authority and the new windows shall be constructed in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Conservation Area in accordance with policy GEN7, AREA2 of the Arun District Local Plan.

4 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.