

Recommendation Report for Planning Permission

REF NO: LU/380/21/PL

LOCATION: Regency Court Nursing Home
18-20 South Terrace
Littlehampton
BN17 5NZ

PROPOSAL: Replacement of 1 No PVCu window with a timber window to the rear (East) elevation. This application may affect the setting of a listed building, affects the Littlehampton Sea Front Conservation Area & is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of 1 PVC window in rear (eastern) elevation with timber framed window.
SITE CHARACTERISTICS	Nursing home. Grade II Listed Building located in residential sea front location.
CHARACTER OF LOCALITY	Mainly residential with various commercial properties located on sea front.

RELEVANT SITE HISTORY

LU/381/21/L	Listed building consent for the replacement of 1 No PVCu window with a timber window to the rear (East) elevation.	
LU/663/88/L	Application for Listed Building Consent for replacement of existing sliding sash windows for UPVC windows	Refused 06-03-89
LU/230/82/LB	Retrospective Approval Replacement Of 17 Windows	Withdrawn 03-06-82
LU/587/81/LB	Retrospective Approval For The Replacement Of 17 Windows Elevations Lights	ApproveConditionally 04-08-82

Noted.

REPRESENTATIONS

Arun District Conservation Area Advisory Panel - No Objection.

The replacement of the pvcu window with a timber one (assumed to be painted white) is welcomed.

Given the regency style of the building, a vertical sliding sash window would be more appropriate than the top hung example proposed but there are limited views of the east elevation from public areas within the conservation area. It is assumed that the majority of the remaining windows in this elevation are top hung sashes but if they are vertically sliding sash windows then the Council should insist on the latter type for the replacement window.

Town Council - Support.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - No Harm

The existing windows (on this particular elevation) are clearly modern replacements being 'top hung' (or awning windows). The replacement window will be a timber one with a central horizontal dividing transom and painted white. Ideally the window would be a sliding sash, which would set the guide for the design of any other replacement windows in this particular part of the building in the future. However, based on the absence of this design on this particular elevation, and that the window is also not clearly seen from the public domain, I am of the opinion that this design is acceptable in this instance. It is worth stressing that this should not be seen as a justification to allow use of this design elsewhere either in this building or the conservation area.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Grade II Listed Building

Littlehampton Seafront Conservation Area

2km Buffer Zone SSSI

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

DDM4 D DM4 Extensions&alter to exist builds(res and non-res)

HERDM3 HER DM3 Conservation Areas

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development in the built up area boundary (BUAB). The application site is located within the BUAB.

Policy HER DM3 relates to conservation areas and state that proposals must protect and if possible, enhance the setting of each.

Part J.01 of the Arun Design Guide relates to a building's form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced, whilst responding to the site and emulating key features.

It is proposed to insert one timber framed window into the rear (eastern) elevation of the nursing home. It will replace a similar sized PVC window. The proposed window will be painted white and have a horizontal dividing transom to match other windows found within this elevation.

DESIGN AND VISUAL AMENITY

The proposed change of the openings of the building is not considered to result in a significantly harmful impact upon the character of the host building. This is as a result of its visual subservience when viewed in the greater context of the host building.

The proposed development is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan and Policy 1 of the Littlehampton Neighbourhood Development Plan.

RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful impact upon the residential amenities of neighbouring occupiers by way of overbearing or overshadowing impact. This is due to the lack of any significant built form proposed as a result of the application. The application is not considered to result in any harmful loss of privacy to the nearby occupiers, in that the views from the altered openings are no different to those existing.

The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

EFFECT ON CONSERVATION AREA

The proposed works will not be visible from the wider aspect of the Conservation Area and as such, the proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area or the Listed Building within which it is located.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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 Plan
- Proposed Window Details
- Proposed Rear Elevation
- Proposed Block Plan
- Heritage Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.