

Recommendation Report for Planning Permission

REF NO: LU/77/14/PL

LOCATION: The Tamarisk Centre
42 Beach Road
Littlehampton

PROPOSAL: Replacement of 27 No timber windows with PVCu

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The building adjoins the public highway to the front and side, walling to the rear, approximately 1.6 metres in height.
SITE CHARACTERISTICS	Sited at the southern end of Beach Road, on prominent corner plot. 2 storey building in use as a community centre. Large ground floor windows, rendered elevations with red brick above. All existing windows are timber framed. Building of special character.
CHARACTER OF LOCALITY	Properties fronting Beach Road consist of ground floor commercial units with a mix of residential and commercial units above. The majority of the buildings are noted for their special character. The Civic Centre is noted to the east with residential properties to the south and west.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

Conservation Officer:
Comments awaited.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Class 'A' & 'B' Road
Building of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN22](#)

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

The Form of New Development
Buildings or Structures of Character

D DM1 Aspects of Form and Quality
HER DM2 Locally Listed Buildings or
Structures of Character
D SP1 Design

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 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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the

unresolved objections, the greater the weight that may be given);

- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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

Proposal

The application seeks permission for the replacement of the existing timber framed windows with UPVC windows. This includes the replacement of 27no. windows at ground and first floor level of the building.

Visual Impact

It is proposed that the windows are to be replaced with windows of a design which match those existing. In assessing the visual impact of the changes, the character of the building should be considered, along with that of wider street scene, given that the majority of neighbouring buildings are noted for their character.

The reason for replacing the windows is due to the windows deteriorating with some not able to open, they are also single glazed and offer little energy efficiency. It is suggested that the replacement windows will be sympathetically designed to match the existing, this will ensure that the appearance of the building will be preserved and the character of the area protected. Full

details of the new windows will need to be secured by condition to ensure that the design and appearance of the replacement windows match as closely as possible.

Conclusion

In the absence of any unacceptable harm to the appearance of the building and the imposition of appropriate conditions, the application is recommended for approval.

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 and private 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 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 Plan (as existing);
Ground Floor Plan (as existing);
First Floor Plan (as existing);
North East (Beach Road and South East Elevations (as existing);
South West & North West Elevations (as existing).

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 No development shall commence until the full details of the replacement windows, including the appearance, profile and finish, have been submitted to and approved by the Local Planning Authority. The replacement windows shall thereafter be installed in accordance with the approved detail.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and by endeavouring to achieve a building of visual quality in accordance with policy GEN7 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.