

Recommendation Report for Planning Permission

REF NO: LU/93/22/PL

LOCATION: Nightingale Nursing Home
43 Beach Road
Littlehampton
BN17 5JG

PROPOSAL: Replacement of 40 No. existing timber windows with new double glazed PVCu windows. This application is in CIL Zone (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of 40 No. existing timber windows with new double-glazed PVC windows.
SITE CHARACTERISTICS	Nightingale Nursing Home is a locally listed building of character, a Non-Designated Heritage asset. The building is a large 2.5 storey detached property on the corner of Maltravers Road and Beach Road.
CHARACTER OF LOCALITY	The site is within an Area of Character, a Non-Designated Heritage Asset. The area is populated by a diverse mix of uses including residential, and the Council's main office. There are also a number of other locally listed properties within close proximity to the site.

REPRESENTATIONS

Littlehampton Town Council - Objection:

- The building is a locally listed building of character and the proposal is contrary to policy HER DM2 of the Arun Local Plan.

1 No. Objection from a nearby occupier:

- The building is a locally listed building of character and therefore, original characteristics such as wooden windows should be protected and replaced like for like.
- There is also, no planning or heritage statement with the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments addressed in the Conclusions section of this report.

CONSULTATION RESPONSES RECEIVED:

Arun District Council (ADC) Conservation Officer:

- The proposed design and materials of the proposed replacement windows are not appropriate for the building and will detract from the character of the area. Whilst it is acknowledged that a number of other buildings have already replaced some or all of their windows with UPVC ones, it is suggested that there is the opportunity to retain an important feature within this building.

Therefore, the proposal is considered to be problematic and cannot be supported from a historic environment perspective. As a result, you will need to consider these comments, along with paragraph 203 of the NPPF and the relevant policies in the Arun Local Plan 2018.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and discussed within the Conclusions section of this report. It is agreed that the area features many similar UPVC windows can be found within the area and that it is now a common feature, contrary to the relevant Area of Character description.

POLICY CONTEXT

Area of Character.

Built-Up Area Boundary.

Locally listed building of character.

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)
DSP1	D SP1 Design
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

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, The South Inshore & South Offshore Marine Plan 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 complies with relevant Development Plan policies in that there will be no unacceptable adverse effects on the character and appearance of the area or the residential amenities of neighbouring occupiers.

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.

The proposal will effect 2 No. non-designated heritage assets. The site is a locally listed building and it is within an Area of Character. The proposal will not give rise to any significant adverse impacts on either asset as the replacement windows are a common feature within the Area of Character and the existing building already features 3 No. PVC windows of similar design.

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

The key policies are D DM1, D SP1, HER SP1, HER DM2 & HER DM4 of the Arun Local Plan and policies 1, 2 & 17 of the Littlehampton neighbourhood Development Plan (LNP). Paragraph 203 of the National Planning Policy Framework regarding non-designated heritage assets and the Arun Design Guide are also relevant.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. Those relevant to this application include: Character, Appearance, Impact and Scale.

Policy D SP1 of the Arun Local Plan regards the design of new development and states that it should be informed by sustainable design and reflect the characteristics of the existing site and its locality. Characteristics relevant to this proposal include scale, character, materials, finish, and architectural details.

Policy D DM4 requires that alterations to buildings are sympathetic to the host building and the character of the local area.

Policy HER SP1 generally aims to conserve or enhance the historic environment of the district. It requires that non-designated heritage assets and their settings be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

Policy HER DM2 relates to locally listed buildings and structures of special character. It aims to identify

and preserve buildings or structures that provide a positive contribution to local distinctiveness by ensuring alterations or extensions to these assets respond sensitively to the building or structure.

Policy HER DM4 relates to Areas of Character. It requires proposals to: retain buildings and other features that make positive contributions to the special character of the area, maintain an appropriate mix of uses where it is an important element in the character of an area and, for new development, preserve and where possible, enhance the special character of the area.

Policy 1 of the LNP states that permission should be granted for proposals which accord with other relevant policies in the LNP. The proposal is compliant with other relevant LNP policies and as such, is compliant with policy 1. Policy 2 states development should be focussed within the Built-Up Area Boundary, in which this property is located.

Policy 17 of the Littlehampton Neighbourhood Development Plan seeks to protect Buildings and Structures of Character that have been identified by the Neighbourhood Plan. The host property for this proposal is one such Building of Special Character. This has been taken into account when determining this proposal and it is compliant with this policy.

DESIGN AND VISUAL AMENITY

Nightingale Nursing Home features 43 No. external windows. At the present, 3 of these windows feature white PVC frames that are similar in form to the existing white timber frame sash windows.

The proposal seeks to replace the remaining 40 No. timber frame windows with PVC windows of an identical scale and a similar design. Though these PVC windows are to imitate the form of the existing timber frame windows, they are noted to have thicker frames with a shinier finish. Additionally, the proposed replacement windows are to be double-glazed, this will result in the windows having a more reflective appearance. They therefore, will represent a visually noticeable alteration to the existing appearance of the building. The property, being sited at a prominent location on the street, would mean the visual alteration would also have a prominent effect on the wider street scene.

Section L of the Arun Design Guide states that development should use a palette of materials and incorporate details which are simple, robust and in keeping with local design vernacular. It also goes on to mention the use of traditional materials will be actively encouraged to reflect the vernacular of the local area. The description of this Area of Character describes the fenestrations within the area to be largely vertically sliding sashes, very few have been replaced with uPVC.

However, this is no longer the case. Many properties within the locality, including other nearby locally listed buildings such as Dove Lodge, Conway House and the neighbour dwelling No. 45 Beach Road feature double-glazed windows with similar white PVC frames. The introduction of the proposed white frame PVC windows may be a visual alteration to the building, it is not a change that would be out of character within the locality.

The building already features 3 No. existing, similar design PVC windows. Though no relevant planning consent can be found for these windows, their appearance does not unacceptably alter the character of the area to the extent that formal enforcement action would be justified to remove them. White PVC windows are now a common feature within the locality. The replacement of the remaining 40 No. timber frame windows would result in a more coherent external appearance for the building.

The replacement windows being double-glazed would allow for a significantly greater level of insulation within the building. The property being a nursing home, would significantly benefit in terms of usability, health, and wellbeing from having better insulation. Additionally, it would reduce energy consumption by

reducing the loss of heat to the atmosphere and therefore, it is an improvement in terms of energy efficiency.

The proposal is compliant with relevant Development Plan policy D DM1(1) in that the replacement windows are of an identical scale to the existing windows and would use materials that can be found within the locality.

The alteration of the building is compliant with policy D DM4 since they remain visually integrated within the building and do not have an unacceptable effect on the character and appearance of the local area.

The proposal is also compliant with relevant Development Plan policy D SP1 & ECC SP2 in that the proposal would improve the insulation of the building. Thereby improving the usability of the Nursing Home, improving the health and wellbeing of its residents, and reducing energy loss and lower energy consumption through reduction of heat loss.

NEIGHBOURING RESIDENTIAL AMENITY

As the window openings are to remain the same, the nature of the development is such that there would be no rise of any adverse impacts by way of overbearing, overshadowing, or overlooking on any neighbouring properties.

As such, the proposal is compliant with relevant Development Plan policy D DM1(3) and D DM4 (c).

NON-DESIGNATED HERITAGE ASSETS

Nightingale Nursing Home is a locally listed building of character, a non-designated heritage asset. It is also located within an Area of Character, another non-designated heritage asset. As such, policies HER SP1, HER DM2 & HER DM4 of the Arun Local Plan.

Nightingale Nursing Home is a large, prominent building adjacent to the War memorial at the North end of Caffyn's field. It features a limited palette of materials and has an attractive Edwardian architectural design. It is a distinctive building and prominent feature that contributes to the overall character of the area which features similar architectural design principles.

The existing windows are a prominent feature that break up the design and limited palette of the large elevations, especially the North elevation. The windows contribute to the character of the building and its area. The replacement of these windows would result in a loss of the significance of the buildings architectural character. However, similar white PVC framed double-glazed windows are a feature which can be seen at numerous properties within the locality, including neighbouring non-designated heritage assets. Furthermore, the property would benefit in terms of resident amenity, the buildings usability and energy efficiency. Although there will be some loss of the buildings character, the level of harm is limited and outweighed from the buildings increased functionality and energy efficiency.

The established character of the Area of Character has changed over time to reflect the use of PVC windows as a common feature. The proposal, although replacing windows that were once a key feature within the Area of Character, would now better reflect the character of the area that has now been established through the prominent use of PVC framed windows. The proposal is compliant with policy HER DM4 in that it would make the building reflect an architectural feature that is now a common feature within the area.

The proposal is compliant with policies HER DM2, HER DM4 of the Arun local Plan.

SUMMARY

For the reasons given above the proposal is recommended for approval subject to the following conditions and informatives.

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 not CIL Liable.

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:

- ELEVATIONS KEY LAYOUT 1525/003.
- PROPOSED NEW WINDOWS SHEET 7 1525/019.
- PROPOSED NEW WINDOWS SHEET 6 1525/018.
- PROPOSED NEW WINDOWS SHEET 5 1525/017.
- PROPOSED NEW WINDOWS SHEET 4 1525/016.

- PROPOSED NEW WINDOWS SHEET 3 1525/015.
- PROPOSED NEW WINDOWS SHEET 2 1525/014.
- PROPOSED NEW WINDOWS SHEET 1 1525/013.
- TYPICAL PVC WINDOWS PROFILES 1525/012.
- KEY FLOOR PLAN 002.

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

- 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.