Recommendation Report for Planning Permission

REF NO: **WA/83/16/PL**

LOCATION: Melrose & Fortune Cottage Care Village
Freeman Close
Walberton

PROPOSAL: Replacement of existing single glazed timber windows with double glazed PVCu casement windows to match existing design & appearance

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a total of 43 replacement windows at ground and first floor on 2 detached properties Melrose and Fortune.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The properties do not have individual curtilages. Some hedging around site.
SITE CHARACTERISTICS	Detached 2 storey dwellings with pitched tiled roofs and brick elevations. Brown timber windows incorporating projecting bays.
CHARACTER OF LOCALITY	Predominantly rural. The site comprises 4 main properties which are used as a care village providing mainly residential units but also some office and social rooms. Orchard to the rear.

RELEVANT SITE HISTORY

EG/8/11/	Change of use of land for the erection of a refrigeration unit (8.4m (w) x 3.0m (d) x 3.0m (h)) to be used as apple store.	ApproveConditionally 15-04-2011
WA/47/86	Details in pursuance of WA/75/85	ApproveConditionally 19-12-1986
WA/75/85	O/L for residential village community for mentally handicapped adults 4 cottage 3 staff house hall etc	ApproveConditionally 18-11-1996

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Walberton doesn't have an adopted Neighbourhood Plan.

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 proposal is for replacement windows which would be acceptable in principle, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the relevant policy in Arun District Local Plan which in this case is policy GEN7.

DESIGN AND VISUAL AMENITY
The existing windows are in a poor state of repair. The agent has advised that the proposal is for the replacement of selected existing single glazed, timber framed windows and bay windows with new double-glazed, UPVC casement windows including ironmongery, refurbishments of timber

sills and making good internal walls affected by the installation. The new UPVC windows are to match existing as much as possible in style and in colour, which includes the bay window design also.

The overall appearance of the building will be marginally affected by the works. The new windows will match the existing in design, size and colour. The existing windows are painted brown, therefore the new UPVC windows will match this colour.

The replacement of the existing windows with PVC-u will cause minimal impact on the visual appearance of the buildings and many of the surrounding buildings have PVC-u windows and doors, including properties visible from the development.

The application relates to a change in window material the alterations therefore affect the elevations only. The alterations would be readily visible, but would not increase the visual prominence of the buildings or appear out of keeping, given that the colour of the frames would be similar to the existing. Therefore, the proposed alterations are considered to have no adverse impact on the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

RESIDENTIAL AMENITY
The position of the windows is identical to the existing. Therefore, the proposed development is considered to have no adverse impact on residential amenity and to be in accordance with policy GEN7 of the Arun District Local Plan.

CONCLUSION
The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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 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 Layout 113097/W/08, Block W/09, Elevations W/01, W/02, W/03, W/04, W/05, W/06 and W/07.

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 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.