Recommendation Report for Planning Permission

REF NO: **Y/34/16/PL**

LOCATION: Residential Accommodation The Olive Branch
North End Road
Yapton

PROPOSAL: Application for Variation of Condition No. 5 following a grant of Y/7/15/PL to enable the use of PVCu windows.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The applicant proposes to use the Liniar Flush Sash Window in white instead of timber framed windows as previously approved.
TOPOGRAPHY	The site itself is flat but the properties to the west and north are both at a higher ground level (approx. 1.5m).
TREES	None affected.
BOUNDARY TREATMENT	Flint wall above a concrete retaining wall with hedge on top to rear (west). Fence atop a brick retaining wall to the north. Open to the road frontage. Hedging on the short southern side frontage.
SITE CHARACTERISTICS	Rendered 2 storey former public house with detached 2 storey brick outbuilding and lean to shelter. Hard surfaced parking area to the north.
CHARACTER OF LOCALITY	The area is predominantly residential with the exceptions being the site, the church to the south and the doctors surgery & nursing home just north of the site. The residential properties have a mixed character but are predominantly 2-3 storeys high, in medium plots set back from the highway with front & rear gardens. To the immediate north of the site is a semi-detached, red brick, two storey property constituting the houses 'Avonlea' and 'Springfield'. The properties are sat on a higher ground level. There are a number of small windows overlooking the site, facing the area

in which the single storey Gospel Hall is proposed. There are windows in the east facing elevation of Laburnum Cottages which overlook the site.

RELEVANT SITE HISTORY

Y/79/14/PL	Demolition of existing outbuilding and lean-to external shelter structures. Conversion and extension to the Olive Branch PH to provide 5no. flats. An additional 1no. flat over garages and a new Gospel Hall with associated parking, hard and soft landscaping. This application affects the character and appearance of the Yapton (Main Road) Conservation Area.	Withdrawn 12-11-2014
Y/7/15/PL	Demolition of existing outbuilding & lean-to external shelter structures, conversion & extension to the Olive Branch PH to provide 5 No.. flats, an additional 1 No. flat over garages & a new Gospel Hall with associated parking, hard & soft landscaping (resubmission following Y/79/14/PL). This application affects the character & appearance of the Yapton (Main Road) Conservation Area.	ApproveConditionally 10-06-2015
Y/73/15/DOC	Application for approval of matters reserved by condition imposed under Y/7/15/PL relating to conditions 3, 6, 7, 8 & 9 for material samples, details of screen walls & railings, landscape scheme, surface water drainage details & SUDS details.	DOC Approved 15-02-2016

Application Y/7/15/PL was previously approved on the 19th of May 2015 by the Development Control Committee.

REPRESENTATIONS

Representations received:

Yapton Parish Council

"Objection: Yapton PC object to the above variation of condition 5, planning application Y/7/15/PL on the following grounds:

The Building in question, the former Olive Branch Public House, lies within the Church Lane and Main Road/Church Lane Conservation area and is listed as a building of character in the Yapton Neighbourhood Plan. The building sits on a prominent entrance point into Yapton village with highly visible direct frontage onto Main Road. It anchors this corner of the conservation area and the Parish consider that the building's integrity should be maintained and redeveloped in its original vernacular or similarity styled modern equivalent. In this case

conservation styled timber framed double glazed sash windows.

The proposal is currently a departure from the Yapton Neighbourhood Plan, namely policy E8 'Use of traditional and vernacular building materials....' and Yapton PC request that this application be refused."

In addition, 1 objection has been received which states that: "This is a key landmark building in Yapton in the conservation area to allow upvc Windows on the street scene will degrade the conservation area and set a precedent to allow others to do the same. We should be protecting our precious conservation areas."

Comments on Representations received:

Comments noted. These issues will be analysed in the Conclusions section below.

CONSULTATIONS

Conservation Officer
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

ADC Conservation Officer - to be reported as an update.

ADC Drainage Engineers - "No surface water drainage comments"

Conservation Area Advisory Committee - any comments to be reported as an update.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Building of Special Character;
Conservation Area;
Class B Road; and
Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
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)
		D SP1 Design
		HER DM1 Listed Buildings
		HER DM3 Conservation Areas
		HER DM2 Locally Listed Buildings or Structures of Character
		HER SP1 The Historic Environment

Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character

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; and Yapton.

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 site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Furthermore, the site benefits from a part implemented consent for the conversion & extension of the former Public House and a separate Gospel Hall building together with parking & landscaping.

IMPACT ON HERITAGE ASSETS:

The site is with the designated "Church Lane, Main Road & Church Road, Yapton" Conservation Area and the building is also designated as a building of character which identifies the building as having a degree of significance meriting consideration because of its heritage interest. The building is also adjacent to a number of Listed Buildings. It is therefore important to assess the proposal against the impact of any development upon these heritage assets.

The application proposes the use of PVCu windows as opposed to timber framed windows as previously approved. The submission includes details of a Flush Sash Window by Liniar. A sample window was previously shown to the Conservation Officer and it was agreed at that time, that provided that the windows would be set flush with no trickle vents, that they were an acceptable alternative to traditional timber frames.

It is considered that this particular type of PVCu window is acceptable as an alternative to timber as it has an aesthetic appearance (including texture) which closely matches with the appearance of timber and it is not considered that there will be any adverse harm to the character/appearance of the Conservation Area, to the Building of Special Character or to the adjacent listed buildings.

A local resident is concerned that this will create a precedent and lead to further similar proposals. However, although the issue of precedent is capable of being a material consideration in the determination of planning applications, the Council is duty bound to consider each and every application on its own merits and would so on any future applications for similar works.

SUMMARY:

Although Yapton Neighbourhood Plan policy E8 does require the use of traditional building materials, in this particular case, it is considered that the proposed windows will closely match with the style & design of the previous timber windows - and that the change will not result in any harm to the integrity of the Conservation Area. It is therefore recommended that permission is granted subject to the following 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 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 openings including doors and windows hereby permitted within the extension shall be in accordance with the details submitted with Application Y/34/16/PL (the Liniar Flush Sash Window in RAL 9010 White) or similar, particular care being taken to reproduce the set-back of the frames from the external wall face.

Reason: In order that the development shall not detract from the character or appearance of the Conservation Area in accordance with Policy AREA2 of the Arun District Local Plan and the National Planning Policy Framework.

2 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan inc Site Aerial Ref 14-032-200;

Block Plan including Fence & Gate Details Ref 14-032-206;
Proposed Plans and Elevations (Gospel Hall) Ref 14-032-204;
Existing and Proposed Street Elevations and Model Images Ref 14-032-205 Rev A;
Proposed Elevations (Dwellings) 1-6 Ref 14-032 203 Rev A;
Proposed Plans Dwelling 1-6 Ref 14-032-202.
Arboricultural Impact Assessment Ref Arbtech AIA 01 (Dec 2014);
Tree Constraints Plan Ref Arbtech TCP 01 (Jun 2014);
Liniar Flush Sash Window brochure;
Flush Sash Window (70mm system) Vertical Cross-section;
Flush Sash Window (70mm system) Technical Information;
A4 sheet showing colour of RAL 9010;
Drawing PA-199 "General Arrangement - No Sharp Edges - 44mm Slab in Frame";
Drawing PA-038 "General Arrangement - No Sharp Edges - 150mm Sill Piece";
Drawing PA-031 Rev B "General Arrangement - No Sharp Edges - Low PVC Threshold; and
Technical sheet for REHAU, Door-Stop and Sculptured Liniar variants.

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: All of the conditions imposed on Y/7/15/PL shall remain in force except for condition 05 which is amended by this permission as set out in condition 01 above and condition 02 which is amended by this permission as set out in condition 02 above.

4 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.