

Report to **Planning Committee**
Date **19.07.2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/02606/FUL**
Applicant **Greyfriars Court**
Application **Replacement of timber casement and louvre windows with UPVC double glazed units**
Address **Greyfriars Court
Court Road
Lewes
BN7 2RF**

Recommendation: That the application be refused for the reasons set out in paragraph 10 of this report.

Executive Summary

1 Site Description

1.1 The application property is a detached building located on the east side of Court Road. The property is directly adjacent to the Lewes Conservation Area.

2 Proposal

2.1 The proposal is for the replacement of timber casement windows with PVC-U double glazed units.

3 Relevant Planning History

SDNP/17/00040/FUL Replacement of timber windows with PVC-U double glazed units Refused

SDNP/16/05901/FUL Removal of existing slate hanging above entrances and walkways and replacement with cement based slate effect boarding Refused

4 Consultations

Lewes Town Council

4.1 The Chairman and Vice-Chairman of the Greyfriars' leaseholders company presented their case for replacing the windows and selecting their preferred design in PVCu. They submitted that the existing timber frames were failing, and that the proposed steel-reinforced

slim-line plastic replacements offered several advantages. Unlike older technologies, they would be less 'bulky' visually and structural sections were of comparable dimensions to the existing timber. Residents had chosen to avoid multiple transoms and fanlights and this would help maintain an 'uncluttered' look to the building and admit maximum daylight. Modern improvements in plastics technology meant that the chosen white units would not yellow with age and it was believed that the quality of the design would enhance the appearance of the building. There were obvious benefits to residents from thermal efficiency and reduced maintenance costs. Several buildings in the area had been similarly re-equipped in recent years and an appraisal of these supported these arguments. It was submitted that the building was not in the conservation area; displayed no particular architectural merit, and was only partially visible when viewed from the direction of the town centre.

4.2 Members acknowledged the merit of these submissions and SUPPORT the application.

LE - Design and Conservation Officer

4.3 Greyfriars Court is a retirement development constructed in the 1990s to loosely reflect the nearby wharf buildings found along the River Ouse. It is adjacent to a number of listed buildings on Railway Lane and the Lewes Conservation Area. The boundary of the Lewes Conservation Area is located immediately to the north and east of Greyfriars Court.

4.4 The National Planning Policy Framework requires local planning authorities take account of the desirability of sustaining and enhancing the significance of heritage assets. The following report will consider the site and its context to determine the proposals impact.

4.5 While the horizontal scale and massing of Greyfriars Court is arguably overly large in comparison with neighbouring buildings, its impact is slightly mitigated through the use of setbacks in elevations, varying roof forms and materials and detailing that reference its historic context. Notably this includes the use of a local brick, slate and timber windows. Because of the buildings somewhat awkward relationship with its context it is considered any change to the elevations needs to be carefully considered to avoid exacerbating its existing somewhat incongruous appearance.

4.6 Concerning the context of the site, Greyfriars Court forms the south side of Friars' Walk Car Park. Also surrounding this car park is a recently constructed Premier Inn hotel which is designed to reflect the character of the Georgian terraces along Friars' Walk to the west. To its east is Railway Lane along which sit a number of historic wharf buildings and sympathetically designed modern buildings. Many of the historic buildings along here are either listed buildings or identified within the Lewes Conservation Area Character Appraisal as making a positive contribution to the character and appearance of the conservation area. To the north of the Friars' Walk Car Park are the rear elevations of mainly modern development along Lewes High Street.

4.7 While this area is not the most attractive part of the Lewes Conservation Area improvements have been made to it through the introduction of sympathetic modern development, i.e. the Premier Inn and the currently under construction Falcon Wharf development and through the upgrading of exiting historic buildings, including the cladding and alterations to Viper's Wharf, the repointing work and cladding to Pannetts Building and the repairs and repainting to the Riverside centre. These enhancements have all gradually and in a piecemeal way benefited this part of the Lewes Conservation Area. It is therefore important changes to the elevational details of Greyfriars Court are carefully considered so the character and appearance of the neighbouring heritage assets are similarly sustained or enhanced.

4.8 The proposal is to change all the windows from timber to upvc. It should be noted the Lewes Conservation Area Appraisal identifies upvc as modern material that does not reflect the vernacular character of the conservation area. Concerns over upvc relate to its appearance and detailing, it having a chunkier appearance and reflective surface quality that appears incongruous within a historic setting. It is considered in this instance due to the sensitivity of its context where slim profile detailing can be found on both historic and modern buildings, its use is not

appropriate as it would harm the setting of the neighbouring heritage assets. This is a particularly important issue on the northwest and northeast elevations which are more prominent within the conservation area and the most notable building to be impacted upon by the proposal, the grade II listed Stricklands Warehouse.

4.9 As proposed the application is unacceptable and better quality materials and detailing that reflect the character and appearance of the surrounding historic and modern buildings.

5 Representations

5.1 **Friends of Lewes (the Lewes Civic Society)** welcome the change to the proposed window design from that of the previous application SDNP/17/00040/FUL, which included horizontal transoms that it objected to. The Society has no objection to the new design proposed. However, it maintains its objection to the use of 70mm profile uPVC sections which are thicker than those of the existing timber. The Society does not agree with the statement in the Design and Access Statement that "The frames are less bulky than the existing timber windows; therefore there will not be any visual impact from an increase in the size of the frames." The Society considers the thicker uPVC styles and rails of the opening casements will result in a visual impact that is detrimental to the local townscape. Greyfriars Court faces buildings in Railway Lane that are either historic or of high quality modern design that use slim profile metal windows. Future housing development at Court Road Car Park, opposite, that has permission under SDNP/16/01618/FUL will also have metal windows. uPVC windows are therefore considered inappropriate in the context of the building's setting and contrary to Policy 11 of the adopted Lewes District Plan Joint Core Strategy, which seeks to ensure that the design of development responds sympathetically to the site and its local context.

5.2 **Lewes Conservation Area Advisory Group** comments that the Group takes issue with the Applicant when stating a) that the proposed windows have a reduced profile and b) that the building is not in the CA. While the latter is factually correct. This large building does impact upon the CA. It fronts onto an important open space, along with other buildings which have been correctly fenestrated. Group offers the suggestion that window replacement could be made of powder coated metal. Recommend: Objection

5.3 Twenty six letters received in support of the proposal commenting that "all other buildings in Court Road have UPVC" and economically it is better have UPVC windows.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

NPPF - Requiring good design.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CP11 - Built and Historic Environment and Design

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development
- H5 - Within / Affecting Conservation Area

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in

accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

8.1 The application property is a detached building located on the east side of Court Road. The property is adjacent but not within the Lewes Conservation Area. The building also impacts upon the adjacent grade II Stricklands Warehouse to the east and the local nature reserve Lewes Railway Land to the south. The proposal is for the replacement of timber windows with PVC-U double glazed units.

8.2 A previous application (SDNP/17/00040/FUL) for the replacement of the timber windows with UPVC windows of a slightly different design was refused and the application is currently the subject of an appeal to the Planning Inspectorate.

8.3 The Design and Conservation Officer has been consulted and has commented fully (see consultation response). He states that the application is unacceptable and should be refused. It is advised better quality materials and detailing that reflect the character and appearance of the surrounding historic and modern buildings be proposed.

8.4 The Friends of Lewes object to the proposal as they consider the thicker uPVC styles and rails of the opening casements will result in a visual impact that is detrimental to the local townscape. Greyfriars Court faces buildings in Railway Lane that are either historic or of high quality modern design that use slim profile metal windows. Future housing development at Court Road Car Park, opposite, that has permission under SDNP/16/01618/FUL will also have metal windows. uPVC windows are therefore considered inappropriate in the context of the building's setting and contrary to Policy 11 of the adopted Lewes District Plan Joint Core Strategy, which seeks to ensure that the design of development responds sympathetically to the site and its local context.

8.5 Lewes Conservation Area Advisory Group takes issue with the applicant when stating a) that the proposed windows have a reduced profile and b) that the building is not in the CA. While the latter is factually correct. This large building does impact upon the CA. It fronts onto an important open space, along with other buildings which have been correctly fenestrated. Group offers the suggestion that window replacement could be made of powder coated metal. Recommend: Objection.

8.6 Lewes Town Council supports the application.

8.7 It is considered that due to the change in the detailing and material of the window frames and their resultant appearance, the proposal will have a detrimental impact on the appearance and setting of the property, conservation area and listed buildings contrary to Policies ST3 (Design, Form and Setting of Development) and H5 (Development Within/Affecting Conservation Areas) of the Lewes District Local Plan and Policy CPI 1 (Built and Historic Environment) of the Lewes District Council Joint Core Strategy.

8.8 The development has also been considered against the relevant policies in the Joint Core Strategy which has been adopted by the South Downs National Park. The Core Strategy is the pivotal planning document until 2030, forming Part 1 of our Local Plan and sets out the overarching strategies that all other planning documents will need to be in conformity with. This proposal is considered to be contrary to Core Policy 11 Built and Historic Environment and Design.

8.9 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18

of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 2nd September to 28th October 2015 after which the responses received will be considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight.

8.10 The development is considered to not accord with the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and does not accord with Policy 50 which deals with housing, design, and supporting balanced communities.

9 Conclusion

It is recommended that planning permission be refused.

10 Reason for Recommendation and Conditions

It is recommended that the application be refused for the reasons set out below.

1. The application as been assessed and determined on the basis of the plans noted below.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. It is considered that due to the change in the detailing and material of the window frames and their resultant appearance, the proposal will have a detrimental impact on the appearance and setting of the property, conservation area and listed buildings contrary to Policies ST3 (Design, Form and Setting of Development) and H5 (Development Within/Affecting Conservation Areas) of the Lewes District Local Plan and Policy CPI 1 (Built and Historic Environment) of the Lewes District Council Joint Core Strategy.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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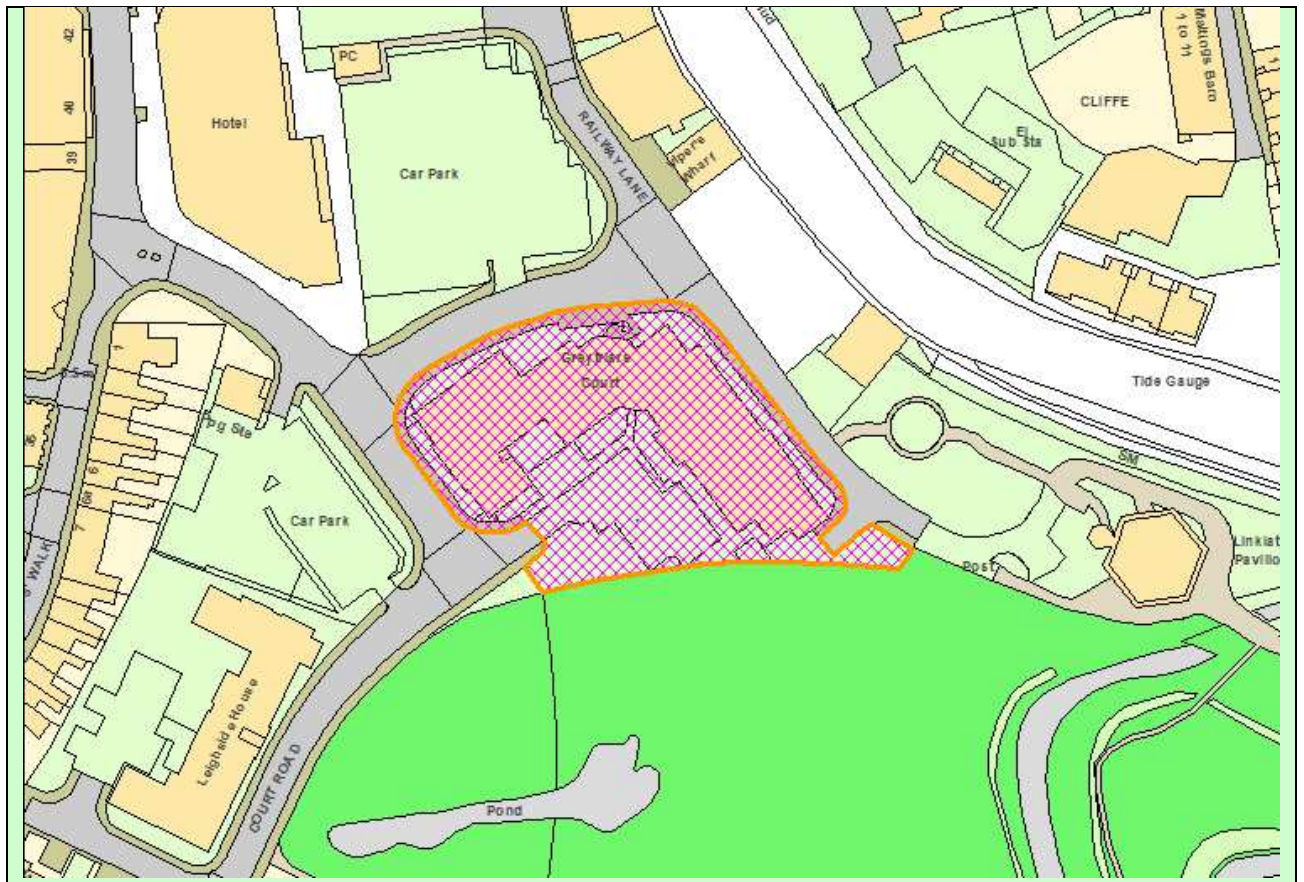
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - sectional plan			18.05.2017	Not Approved
Plans - section A, B & C			18.05.2017	Not Approved
Site Photographs - examples of windows			18.05.2017	Not Approved
Plans - existing elevations, block & location	01		18.05.2017	Not Approved
Plans - existing elevations, block & location	02		18.05.2017	Not Approved
Plans - proposed elevations, block & location	03		18.05.2017	Not Approved
Plans - location 1:1250 & 1:2500	03/REVA		18.05.2017	Not Approved
Plans - proposed elevations, block & location	04		18.05.2017	Not Approved
Plans - window elevation	151102B/Ext/TypeA		18.05.2017	Not Approved
Plans - window elevation	151102B/Ext/TypeB		18.05.2017	Not Approved
Plans - proposed window elevation	151102B/Prop/TypeA		26.05.2017	Not Approved
Plans - proposed window elevation	151102B/Prop/TypeB		26.05.2017	Not Approved
Application Documents - design & access statement	Statement		18.05.2017	Not Approved
Application Documents - design statement	Statement		18.05.2017	Not Approved
Plans - section detail	System 10		18.05.2017	Not Approved
Application Documents - brochure	System 10		18.05.2017	Not Approved
Application Documents - Waste minimisation statement	WMS		18.05.2017	Not Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.