

REPORT UPDATE

Application No: AL/72/22/PL

Reason for the Update / Changes

REASON FOR UPDATE CHANGES

Determination of the planning application was deferred at the meeting of the Planning Committee on 28 September 2020 to allow time for the receipt and consideration of additional information from the applicant concerning the application.

The applicant has since submitted further information regarding use of the buildings and some revised drawings showing changes to fenestration have also been received. No other changes are proposed. These minor changes are listed below.

The plans and supporting information have been sent to previous consultees for comment.

Changes to drawings:

0353 PO2 (Layout Amended 28.09.22) Proposed East and South

- an additional south elevation 2 and an additional window and archway in the east elevation.

0250 PO2 (Layout Amended 28.09.22) General Arrangement Ground Floor Proposed

- window to living room.
- windows in office at front.
- opening on south elevation of workshop.

0350 PO2 (Layout Amended 28.09.22) General Arrangement Elevation - Proposed West (Roadside) and North

- different height of boundary treatment on far right of drawing.
- includes west elevation roadside with gate.
- north elevation shows gate piers.
- door on front elevation of house omitted.

Heritage Statement

The applicants have supplied a Heritage Statement (dated 13.10.22).

This gives a detailed background to the proposals, includes proposed materials and coloured sketches of the scheme.

In an email dated 6.01.23 the applicant has made the following points:

That they are not allowed to make a renewed statement at the meeting. The Heritage Statement refers to impact on Hop Garden and the streetscene, materials are included, and the layout of the grounds seek to maximise space for them as residents. They have not had the opportunity to speak directly with the Conservation Officer.

Comments from ADC Principal Conservation Officer are awaited.

Supporting Statement with respect to Policy EMP DM1

This statement advises that the applicant's business has outgrown the premises, which are to be

converted. The original business space having arisen from a historic family business use connected to Rock House as a family home.

The workshop is physically connected to the house and the applicants have been able to explain the background to cessation of use and have confirmed that given the physical links with their house that alternative uses by a third party would be inappropriate.

It is concluded, in these specific circumstances, that the proposals are acceptable with respect to Policy EMP DM1 and ANDP Policy EE2.

OFFICERS RECOMMENDATION

As there have been no substantive changes to the proposed scheme, the reason for refusal (1), based on the adverse effect on character and affects to setting of a listed building, remains in place.

The reason for refusal (2) concerning loss of employment floorspace has been removed.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: AL/72/22/PL

LOCATION: Rock House
Westergate Street
Westergate
PO20 3RJ

PROPOSAL: Demolition of Servac Int workshops keeping certain structures and features, to renovate them in to a 2 No carport, with storage loft and re-landscaping to provide new gardens and biodiversity zones. This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Demolition of the 'Servac' workshops retaining parts of the structure, using this as a two-bay car port with storage loft above.

Whilst the description refers to retention of structure this will only be small sections of wall along the western facade and parts of the greenhouse.

The ridge height of the proposed Car Port and Store will be 6.4m. Eaves height 4m. The wall (partly retained) running north south behind the workshop and returning to meet the carport building will be 4.2m. The wall running along the western face of the site in front of the car port and forming the open bin store will be 2.1m

A new low wall in front of the original Rock House (1m) and new fencing and gates in front of the car port. A new open walled bin store will be provided together with landscaping to provide new gardens and biodiversity zones.

It is noted that the DAS does not relate to the proposals that form the application. There are discrepancies between the elevations and plans proposed. Some elevational elements are absent.

TOPOGRAPHY

The plot falls from east to west, the garden of Hop Garden Cottage sits at a higher level than the site. The DAS includes reference to the levels of the site identifying it as a highly complex issue & one that will require structural & civils engineering reports. Levels are not indicated on the planning application drawings.

TREES

It is understood there are protected trees (TPO 3/46/90) on the Hop Garden Cottage. The location and canopy spread of any trees close to the boundary have not been shown on the application drawings.

BOUNDARY TREATMENT

Boundaries consist of a mix including 1.8m high close boarded fencing, hit and miss horizontal fencing on the road frontage.

The DAS refers to live wall structures or vegetation frames for creepers and climbers to grow onto around North & Eastern boundaries. No details have been provided.

The ground floor plans show a solid boundary, further elevational details are not provided.

SITE CHARACTERISTICS

The site comprises a former rock factory most recently used as Servac Int. as factory/workshop and two storey flint and brick painted house with single storey pitched roof extension to the front, part flint, part render, part painted and tiled roof with flat roof single storey side extension. Parking and hard surface to the front of the house. The majority of the site is covered by empty workshop structures, yard, refuse storage, car parking with Rock House having a small vegetable garden and patio.

The Servac building has a monopitch style roof falling east into the site, the highest point of this building is 4.2m.

CHARACTER OF LOCALITY

The site lies in the BUAB of Westergate in a prominent location on Westergate Street adjacent to a thatched and flint listed cottage. This part of Westergate is predominantly residential.

To the north-east of the site, Hop Garden Cottage is a Grade II Listed Building. It is a C18 Cottage which has been extended to both the west and east in the C20 of flint construction with red brick dressings, hipped thatched roof with end brick stacks. Hop Garden Cottages' garden runs along the entire

Eastern boundary, accessed off Westergate street. Its brick and tile garage lies east of the application site on higher ground, the roof of the garage can be seen from the road.

To the South, 1 Butlers Mews a 2-storey house, accessed from Westergate Street, set back with parking in front.

The front (western) boundary is the public footpath for Westergate Street, a single carriage main road.

RELEVANT SITE HISTORY

PAA/16/18/	Single storey extension.	Refuse Pre App 23-03-18
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Noted.

REPRESENTATIONS

ALDINGBOURNE PARISH COUNCIL:

Supports this application as it is a sympathetic development to the area and enhances the community.

COMMENTS ON REPRESENTATIONS RECEIVED:

All planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER: A full version of the Conservation Officers report can be found on the website.

The heritage statement does not identify the significance of the heritage assets affected by the proposal in accordance with the requirements of the NPPF.

The proposal to remove part of these inappropriate structures and replace them with something else is positive

The increase in height will mean that it will be seen in the context of Rock House, not subservient to it and also the side elevation of the listed building.

The height will mean that the eye will be drawn to it when viewing the two buildings from the surrounding roads. This element is problematical, and not acceptable.

Any new walling will need to be carefully considered and constructed so as to not detract from the existing building and walling. Details and a sample panel should be provided.

Confirmation would be required as if the new enclosed front garden area would be enclosed by a gate, alongside the new walling.

The southern elevations do not show how the existing 'garage doors' on the workshop will be treated, additional information is required?

The report identifies a number of inconsistencies in the plans and requests that these be dealt with so that it can be understood exactly what is proposed and where.

Reference is made on the application to replacement windows, not clear if this is referring to any new windows/doors, or if all of the existing windows will be replaced. Details of all replacement windows and doors should be provided. They should be of an appropriate design and material for this building.

The Conservation Officer concludes that whilst the concept of redeveloping the site and removing the later additions is acceptable, the design of the garage is not suitable.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 and 203 of the NPPF (2021).

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary (BUAB) in the Local Plan.

Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC)

TPO on neighbouring site

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

EMPDM1	EMP DM1 Employment Land: Development Management
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#) Built up area boundary

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans 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 is considered to conflict with the relevant Development Plan policies in that by reason of the height and visual dominance of the first floor above the car port there would result in a materially adverse effect on the visual amenities of the locality and the setting of the adjacent listed building, and it would have an adverse impact upon the established character of the surrounding area. In addition the applicants have failed to meet the requirements of Policy EMP DM1 of the ALP and EE2 of the ANDP.

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 lies within a built-up area boundary where development is acceptable in principle subject to normal development control criteria being with respect to visual and residential amenity.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance the main criteria against which the application will be assessed is policies EMP DM1, D DM1, D DM4, DSP 1, HER DM1, HER DM3 and HER SP1 of the Local Plan, EEP of the ANDP and the NPPF.

KEY ISSUES

The key issue to be considered as part of this application are the conservation and enhancement of heritage assets (listed building Hop Garden Cottage) impact on the wider streetscene and the loss of

business floorspace.

DESIGN AND APPEARANCE

The workshop buildings are of little visual amenity. The core of the structure is the original dwelling which is painted flint and brick. It is accepted that the attached factory is a visual distraction and leaves the original dwelling with little merit and whilst the removal of much of the workshop structure will result in an improvement, the design for the carport and store will result in a structure whose height and dominance would detract from the visual amenity of the area and the setting of the listed building, Hop Garden Cottage.

The two storey structure fails to meet the requirements of policy D DM4 which seeks to ensure that extensions or alterations sympathetically relate to and are visually integrated with the existing building in terms of siting, massing, design, form and scale. Whilst materials are acceptable the carport building and attached wall will not be visually subservient to the main building and will compromise the established spatial character and pattern of the place.

The height and mass of the building will exceed anything currently found on this section of the site and rival the scale of the main house to the south. The carport and continuation of an additional section of 4.2m high wall connecting the existing workshop wall to the proposed carport building will introduce additional bulk and height not previously experienced when viewing the site from the north and west.

HERITAGE ASSET

Section 16 of the NPPF (2021) "Conserving and Enhancing the Historic Environment" deals with applications of this nature. Para 194 of the NPPF requires that the LPA should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Heritage Statement that forms part of this application does not meet these requirements.

Para 195 requires that the LPA identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

The Arun Design Guide in section C.03 Heritage & Conservation Environment identifies that the District has a rich historic environment, which future development must seek to protect, complement and enhance.

The site is next to Hop Garden Cottage. Hop Garden Cottage is a Grade II Listed Building. It is an C18 Cottage which has been extended to the west and east in the C20. It is of flint construction with red brick dressings, hipped thatched roof with end brick stacks. There is a central C19 porch with hipped tile roof. There is a single storey gabled addition to west, also in flint with red brick dressings and thatched roof with semi-circular window above and 5-bay oriel below.

According to the listing description the interior features include an open fireplace, exposed beams and plank doors. It is of architectural and historical significance.

The cottage is mostly experienced from in its curtilage and to a certain extent from outside of this from the road. Rock House as the neighbouring building is not physically connected, but the two can be viewed from the road to the front.

Rock House is an attractive building with painted flint elevations and a mixture of sliding sash and casement windows. It has two single storey elements, one of which looks as if it could have been part of a larger, single storey barn structure (based on a review of historic mapping). Sadly, the building has been poorly altered and extended over time. Despite the alterations it retains a characterful building with an import street elevation.

It appears on the 1875-90 OS map and has been identified as a non-designated heritage asset.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building, or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the NPPF requires such information to be provided in order to assess the impact of the proposal upon these assets.

The development will cause less than substantial harm on the setting of the Listed Building, due to its design and siting. As such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

Paragraph 199 requires that when considering the impact of development on the significance of a designated heritage asset great weight should be given to the asset's conservation irrespective of the scale of harm identified.

With regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses, the proposal results in harm to the setting of the Listed Building and the proposal is considered to conflict with policy HER DM1 of Arun Local Plan.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 and 203 of the NPPF (2021).

RESIDENTIAL AMENITY

The proposals are acceptable from a residential amenity point of view, the use and buildings would not result in a detrimental loss of amenity to neighbouring occupiers. A window is proposed at first floor in the northern elevation, this will not result in a detrimental loss of amenity or privacy.

BUSINESS FLOORSPACE

The applicant advises that the workshops are currently unoccupied and empty having been last used at the beginning of November 2021. The proposals result in the loss of 220sqm of business floorspace.

In the DAS it is advised that workshops are now a non-ancillary structure to the employment use and function of Servac Int. No further clarification is offered. No change of use has previously been sought.

Policy EMP DM1 states ADC will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored.

Whilst an industrial use immediately adjacent to residential property may not be viable particularly if there are no personal links to the occupants of the building the applicants have failed to explain the background to cessation of use or demonstrated what measures have taken place with respect to alternative uses.

The proposal therefore fails to meet the requirements of EMP DM1 and ANDP Policy EE2.

SUMMARY

ADC seek to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy.

Policy EMP DM1 requires that it should be demonstrated that the site is no longer required and unlikely to be re-used, whilst it is acknowledged that the existing location surrounded by residential development is not an ideal location for a general industrial use (identified as B2 by the applicants) the applicants have not provided any supporting information with respect to alternative uses, marketing or the loss of business floorspace.

Notwithstanding the loss of business floorspace, whilst it is acknowledged that the removal of the existing Servac building may ultimately represent an improvement to the streetscene and the setting of the application site and the adjacent listed building, Hop Garden Cottage, the height and dominance in the streetscene of the proposed two storey carport and storage building and associated works will fail to enhance and preserve the heritage asset and fails to accord with the policies in the Local Plan, the Aldingbourne NP and the NPPF.

RECOMMENDATION

It is recommended this application is refused for the reasons that follow:

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

REFUSE

- 1 The development by reason of its scale, height, design and overall appearance would adversely affect the character of the area and in particular would be detrimental to the setting of the adjacent building (Hop Garden Cottage) which is listed as being of special architectural or historic interest contrary to policies HER SP1, HER DM1, HER DM2 and D DM4 of the Arun Local Plan.
- 2 INFORMATIVE: On the basis of the information available the Local Planning Authority is not satisfied that the development can be undertaken in a satisfactory manner. There are discrepancies identified between the plans, elevations and Design and Access Statement submitted as part of the application.
- 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to amend or withdraw the application. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.