

Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition

REF NO: BR/12/17/L

LOCATION: St Mary Magdalenes Church
Bersted Street
Bognor Regis

PROPOSAL: Application for listed building consent for the installation of a vertical flue to a new gas boiler through the roof of the boiler house at the rear of the church

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The flue will extend about 0.45m above the plane of the roof.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	As existing.
SITE CHARACTERISTICS	Existing low single storey flint/stone boiler house with a low pitched roof on the rear of the church. The boiler house is attached to the church building on two sides and then there is graveyard with trees on the other two sides.
CHARACTER OF LOCALITY	Existing church with surrounding graveyard walled off from the street. Otherwise in a residential area.

RELEVANT SITE HISTORY

BR/99/01/A	2 No non illuminated church notice boards fixed to 2 No oak support posts	Apprvd/Cond ADV 09-07-2001
BR/248/04/	Proposed alterations and extension to church hall to provide improved toilet facilities and store.	ApproveConditionally 27-08-2004
BR/103/54	New vestry	Approve 04-06-1954

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"No objection"

Comments on Representations received:

Noted.

CONSULTATIONS

Historic England
Listed Building Officer

Consultations responses received:

HISTORIC BUILDINGS ADVISER - Verbally advised no objection but need condition on details (colour & size) of flue.

Comments on Consultation responses:

Noted..

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Grade II Listed Building.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#)

HER SP1 The Historic Environment
HER DM1 Listed Buildings

Delivery of the Vision

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walbarton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited 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).

Bognor Regis Neighbourhood Plan policy 1 is relevant and states that: "Development Proposals concerned with extensions and alterations of Designated and Non-designated Heritage Assets and Major Developments should demonstrate how proposed changes will support the delivery of relevant Neighbourhood Development Plan Objectives and our Vision for Bognor Regis. Proposals must identify the significance of any affected heritage asset and assess any harm and benefit. These should be included within the design and access statement if one is required."

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation 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

The church is a Grade II listed building located within the built-up area boundary.

It is noted that the building serves a community purpose and that the NPPF is particularly supportive of community uses such as places of worship. Para 28 states that: "(local plans should) promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship". Places of worship are also mentioned at paragraphs 70 and 171.

The proposal seeks only to add a new flue to the boiler house. This will replace an existing flue at ground floor level.

The Councils Historic Buildings Adviser (HBA) raises no objection but will want to pre-approve the proposed materials.

It is therefore recommended that the application be approved, 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 works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

Site Location Plan;
Block Plan;
Existing Photos & Roof Plan; and
South & West Elevations.

Reason: For the avoidance of doubt and in the interests of the special character of the building in accordance with the National Planning Policy Framework.

- 3 No development above damp proof course (DPC) level shall take place unless and until samples of such materials and finishes to be used for the proposed flue have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the flue.

Reason: To preserve the appearance and special character of the building for the future in accordance with the National Planning Policy Framework.