

Recommendation Report for Planning Permission

REF NO: FG/40/20/PL

LOCATION: St Andrew's Church
Church Lane
Ferring
BN12 5HN

PROPOSAL: Replacement of existing leaded glazing in north aisle east window with stained glass. This application affects the setting of a listed building & the character & appearance of the Ferring Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.3 hectares.
TOPOGRAPHY	Gently sloping. Site set on higher ground than adjacent footway and highway. Church yard grounds uneven.
TREES	Established trees on site, some of which may well be of significant amenity value and/or contribute to the character of the area. There is a TPO on the site, and the site is in a Conservation Area.
BOUNDARY TREATMENT	Curtilage listed brick and flint wall.
SITE CHARACTERISTICS	The church, and its surrounding graveyard, is located in Church Lane within the village of Ferring. The church is listed Grade I, and as such is of national significance. The site is also within an Archaeological Notification Area.
CHARACTER OF LOCALITY	The site is located within the Built-Up Area Boundary in the village of Ferring. It is within the Ferring Neighbourhood Plan Area and the Ferring Conservation Area, and has a village setting, with a range of locally and nationally listed barns, cottages and buildings around the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

ADC Conservation Area Advisory Panel:
No objection.
It is believed the panel will not harm the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer
 Historic England
 The Ancient Monuments Society
 Council for British Archaeology
 The Georgian Group
 Soc. Protect. Ancient Buldgs
 The Victorian Society
 Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Historic England:

No comments to make. Advise LPA seek the views of LPA's specialist conservation and archaeology advisors as relevant.

ADC Conservation Officer:

No objection.

Loss of historic fabric would result in 'less than substantial harm' at lower end of the spectrum. Should be balanced against any public benefits, as per para 196 of NPPF. The proposed glazing is considered acceptable in design and would complement the heritage asset. Neutral impact on Conservation Area. Advise planning conditions to save historic glass for repairs to other windows, and method statement and details of materials to ensure the existing stonework is protected.

CDC Archaeology Advisor:

The proposed changes to the window would seem to have no impact on anything of archaeological interest. In the circumstances, there would seem to be no archaeological reason to recommend either refusal or the application of any other mitigation measures.

ADC Trees Officer:

Established trees on the site, some of which may well be of significant amenity value and/or contribute to the character of the area. No arboricultural information submitted with the application. Given existing established routes across site and usual sensitivity required for works on sacred ground, possible to waive normal requirement for Arboricultural Consultant to be appointed, subject to provision of mini-method statement or CMP to be secured by planning condition. Further information received by email from agent on 13/5 and 14/5 which confirms methodology which may be adequate.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, and addressed under relevant sections of report in 'Conclusions'.

POLICY CONTEXT

Designation applicable to site:
 Built-Up Area Boundary
 Ferring Neighbourhood Plan Area
 Ferring Conservation Area
 Grade I listed building

Archaeological Notification Area

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

HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
ENVDM4	ENV DM4 Protection of trees
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

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.

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).

The policies of the Ferring Neighbourhood Plan are relevant in the determination of this planning application.

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, subject to planning conditions, have an acceptable impact on the listed building on balance, preserve the character

and appearance of the Conservation Area, and subject to the provision of a satisfactory mini-method statement or Construction Method Plan, have an acceptable impact on trees.

LISTED BUILDINGS/CONSERVATION AREA

Section 16(2) of the Planning (Listed Buildings and 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."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 I Listed Building or the character or appearance of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations which warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

HERITAGE:

Section 16(2) of the Planning (Listed Buildings and 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." Section 71(1) of the same Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Local Plan policy HER SP1 advises that designated heritage assets, including listed buildings and Conservation Areas (and their settings), will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM1 requires proposals affecting statutorily listed buildings to protect, and where possible enhance, the setting of the building. Policy HER DM3 requires that proposals preserve or enhance the character and appearance of Conservation Areas.

Paragraphs 189-196 of the NPPF sets out requirements for development affecting designated heritage assets (listed buildings and Conservation Areas) and their settings, including the need for applicants to describe the significance of any heritage assets (and setting) affected, the LPA to consider the impact of the proposal on the significance of heritage assets and take into account other factors, that great weight should be given to an assets conservation, that any harm or loss of significance requires clear and convincing justification, and where 'less than substantial' harm would be caused this should be weighed against the public benefits.

St Andrew's Church, Ferring, is listed Grade I, and as such is of national significance. The present

Church dates from the 12th C, and has been altered over time to its present appearance. This includes a C13 chancel, nave windows (C15), small belfry in 1792, along with various C19 restorations. The site of the church was also important in that Ferring was an episcopal manor, with the bishop's residence thought to have been south of the churchyard, and an C8 charter refers to the church's predecessor as a minster church. It is of Archaeological and communal significance.

The church is also located within the Ferring Conservation Area. The Conservation Area is small and consists of the old core of the village around the parish Church and some of the surrounding roads. There is an informal approach to the design and layout of the area, with different building lines, different styles of architecture and different size gaps between buildings. Whilst it is surrounded by 20th Century development it contains a number of attractive buildings of note.

As required by the legislation, Historic England have been consulted on the application for this Grade I listed building. They have confirmed that they do not wish to make any comments on the application, and have advised the LPA to seek the views of the LPA's specialist conservation and archaeology advisors as relevant. The Council's Conservation Officer and Archaeological Advisor have been consulted and provided comments.

The proposed development consists the removal of the existing leaded glazing in the two-light east window to the north aisle, and its replacement with new stained glass. The applicant has described the significance of the listed building, in accordance with paragraph 189 of the NPPF, in the form a Heritage Statement provided. The Heritage Statement identifies that the existing internal ferramenta will be removed, and new non-ferrous ferramenta will be used along the lines of the leaded panel joints of the new glass, which match the locations of the existing saddlebars. The proposed glazing is contemporary in nature and would result in the removal of the existing diamond leading/glazing, which is thought to be from the late C19. However, the proposal would have no impact on the 19th C stonework to the window.

The Council's Conservation Officer has confirmed that, whilst the loss of the existing historic glazing is unfortunate, the proposed ferramenta and glazing design is considered to be acceptable and to complement the heritage asset. The Design & Access/Heritage Statement provided suggests that the existing openings in the stonework will be utilised to accommodate the new metalwork and, as such, this is unlikely to impact the historic fabric. The Conservation Officer has suggested that a planning condition requiring that any making good/repairs to the existing stonework surrounding the window opening shall be undertaken in materials and finishes to match in type, colour and texture those of the existing building/stonework. In addition, they have requested a planning condition to secure the retention of the historic glass to be used for repairs to other windows of the Church, which would be a heritage benefit. They conclude that, on balance, the proposal would cause 'less than substantial' harm to the listed building and that the level of harm is considered to be at the lower end of the spectrum. There would also be a heritage benefit in terms of saving the historic fabric (glass) for future repairs to the building.

In accordance with NPPF paragraph 193, great weight has been given to the heritage asset's conservation by the LPA in determining this application. There is clear and convincing justification for the 'less than substantial harm', as required by NPPF paragraph 194, in the form of the required maintenance and the long term use of this public building. The 'less than substantial' harm has been weighed against the public benefits, as per NPPF paragraph 196. The public benefits in terms of the required upkeep and securing the long term use of the building as a church for members of the public to worship etc. is considered to outweigh the 'less than substantial harm' in this case, and is, on balance, acceptable. The Conservation Officer has confirmed that the proposals would have a neutral impact on the Ferring Conservation Area.

Subject to planning conditions, the proposals would have an acceptable impact on designated heritage assets, in accordance with Local Plan policies HER SP1, HER DM1, HER DM3, the NPPF and the

relevant legislation.

ARCHAEOLOGY:

Local Plan policy HER DM6 requires that where a site on which development is proposed has the potential to include heritage assets with archaeological interest (having consulted the Historic Environment Record) permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites.

The site is located within an Archaeological Notification Area (due to its links to Roman occupation, cremation and role as a Parish Church dating back to 12th C and before that its predecessor the 8th C).

The Council's Archaeological Advisor has confirmed that the proposed changes to the window would seem to have no impact on anything of archaeological interest and that there would seem to be no archaeological reason to recommend either refusal or the application of any other mitigation measures.

The proposals would have acceptable archaeological impacts, in accordance with Local Plan policy HER DM6, the NPPF and relevant legislation.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity.

There are established trees on site, some of which may well be of significant amenity value and/or contribute to the character of the area. There is a TPO on the site, and the site is in a Conservation Area, both of which provide greater levels of protection to the trees on site.

The Council's Arboricultural Officer has been consulted on the proposals. They noted that no arboricultural information was submitted with the application. Whilst the proposed works to the window would not directly affect trees, the Arboricultural Officer has stated that it is important for the LPA to consider any impacts during the construction phase i.e. how construction materials would be delivered to the site and stored and if there is to be a compound or defined working zone and the duration of works etc. They advised that, given existing established routes across site and the usual sensitivity required for works on sacred ground, it should be possible to waive the normal requirement for an Arboricultural Consultant to be appointed, but that a mini-Method Statement or Construction Management Plan would be required. Since these initial comments from the Arboricultural Officer, the agent has provided further information (emails dated 13/05 and 14/05) with regard the proposed methodology of the works, and confirms that most of this will be principally done from inside the church and that no materials or equipment of any sort will be stored outside the church.

On this basis, it is concluded that based on this information and that all trees are afforded protection by the fact that they are either TPO or by Conservation Area regulations as they apply to trees the requirements by the tree officer are not necessary.

RESIDENTIAL AMENITY:

Policy D DM1 of the Arun Local Plan states that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and

unacceptable noise and disturbance. ALP extensions D DM4 includes that extensions and alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy QE SP1 states that the Council requires development does not have a significantly negative impact upon residential amenity. Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

The proposals would involve the replacement of the existing diamond leading/glazing with new contemporary stained glass, part of which would be coloured (blue) and part of which would be clear glazed. The new design will have a larger area of clear glazing. However, given the significant separation distance to any neighbouring properties, this would not result in any harmful increase in overlooking and loss of privacy to neighbouring occupants.

As such, residential amenity would be maintained, in accordance with the NPPF, and policies D DM1, D DM4 and QE SP1 of the Local Plan.

SUMMARY:

The proposals would have a neutral impact on the Ferring Conservation Area. They would result in 'less than substantial' harm to the Grade I listed building, but in accordance with paragraph 196 of the NPPF, this would be outweighed by the public benefits in terms of the long term maintenance of the church and its use as a public place of worship. Due to Ecclesiastical Exemption, Listed Building Consent is not required in this case. Notwithstanding this, the agent has stated that the Chichester Diocesan Advisory Committee have confirmed their support for the proposals.

The proposals would, on balance, have an acceptable impact on heritage assets, would not impact archaeological remains of interest, would not impact on residential amenity, and would have an acceptable impact on trees and hedgerows on the site. The proposals would thereby accord with all relevant legislation, the NPPF, and Local Plan policies HER SP1, HER DM1, HER DM3, HER DM6, ENV DM4, D DM1, D DM4 and QE SP1.

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.

CIL DETAILS

Not CIL liable, given nature of proposals (window alterations to listed building).

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:

- Block Plan (Drawing number SAF/01), dated 3.2020
- North Aisle East Window As Proposed (Drawing number SAF/03), dated 3.2020
- Image of Proposed Glazing, page 5, within Heritage and Design & Access Statement, received 03/04/2020

Reason: For the avoidance of doubt and in the interests of the conservation of the heritage assets and the visual amenity of the area, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and policies HER SP1, HER DM1, HER DM3, HER DM6 and ENV DM4 of the Arun Local Plan.

- 3 Any making good/repairs to the existing stonework surrounding the window opening shall be undertaken in materials and finishes to match in type, colour and texture those of the existing building/stonework.

Reason: In the interests of the conservation of the heritage assets and the visual amenity of the area, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and policies HER SP1, HER DM1, HER DM3, D SP1, D DM1 and D DM4 of the Arun Local Plan.

- 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.