Recommendation Report for Planning Permission

REF NO: **FP/143/13/**

LOCATION: Church House
Felpham

PROPOSAL: Change of use from offices (B1 - Business) to residential use (C3 - Dwelling Houses). this application affects the character and appearance of the Felpham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the use of the southern section of this building from B1 office to C3 residential to provide one 2 bed flat. Proposed hard and soft landscaping is also shown on the block plan but not referred to in the application description. As according to the submitted Design and Access Statement, this will be subject of a later submission, however as the previous planning permission included condition requiring details of hard & soft landscaping, the same approach will be adopted with this application.
SITE AREA	0.0934
RESIDENTIAL DEVELOPMENT DEN	10.7 dwellings per hectare (but this does not take account of the existing offices).
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint boundary wall to the side. Brick/stone wall to the front.
SITE CHARACTERISTICS	2 storey with front dormers, red brick with grey dressing. Tiled roof chimneys on either gable end. There is a single storey side extension on the southern side (rendered and painted) with 3 front dormers. The vast majority of the external area is gravelled with a few trees and very small pockets of shrub planting. The site has two accesses from Church Road and there is currently gravelled parking for approximately 12 cars.
CHARACTER OF LOCALITY	Mixed commercial and residential. Opposite shops and the Parish Church.

RELEVANT SITE HISTORY

FP/41/12/L	Application for Listed Building Consent for change of use from offices (B1) use to Residential use (C3) & three new dormer windows to replace existing	Refused 02-05-2012
FP/40/12/	Change of use from Offices (B1) to Residential use (C3) & three new dormer windows to replace existing	Refused 17-05-2012
FP/166/12/L	Application for Listed Building Consent for change of use from offices (B1 Business) to residential (C3 Dwelling Houses). Resubmission following refusal FP/41/12/L	ApproveConditionally 25-10-2012
FP/164/12/	Change of use from offices (B1 Business) to residential (C3 Dwelling Houses). Resubmission following refusal FP/40/12/	Approved Cond + S106 26-10-2012
FP/148/13/L	Application for Listed Building Consent for the change of use from office (B1 Business) to residential use (C3 Dwelling House).	ApproveConditionally 30-10-2013

Planning Consent Ref FP/164/12 was previously granted in late October 2012 for conversion of the entire building to 5 flats.

The current application only seeks permission to convert part of the building into one flat. In addition to the reduction in numbers, there is a small internal change consisting of the blocking up of an internal doorway from the main building into the smaller southern part.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - Objection on the following grounds:

(1) previous planning history/related decisions;
(2) emerging Neighbourhood plan which has a specific policy to protect loss of employment; and
(3) traffic issues relating to access and egress.

Comments on Representations received:

With respect to the Parish Council objection, the following comments are made:

(1) It is unclear why there is an objection on the basis of the planning history. Planning Ref FP/164/12 granted planning permission for the conversion of the office building into 5 flats. This application seeks conversion of only a part of the building into 1 flat and there is no change between the plans of the previous application this in respect of the layout and dimensions of this flat. It should also be noted that a Listed Building Consent has already been granted for this conversion to 1 flat and that the Parish Council did not raise objection to that application (Ref FP/148/13/L) although clearly that was for Listed Building Consent not planning permission.

(2) It is understood that emerging Felpham Neighbourhood Plan is currently at the pre-

submission draft stage. It is considered that the plan in its current form carries little if any weight. The policy in question simply states "7A-P2 - Existing employment sites will be retained unless it can be shown that they are no longer viable and that the proposed alternative would provide equal or greater benefits to the local community than the current use". There is no supporting text directly related to this Policy and there are no current Local Plan policies to protect offices from conversion. In any case, the applicant is still able to implement the previous permission for 100% conversion of the building and so it is difficult to justify a refusal on the grounds of a draft policy for the conversion of only a part of the building.

(3) It is unclear what the objection is regarding the access into and egress from the site. However, notwithstanding, it should be noted that this is an existing office building and the access arrangements are as existing. Also that the site is subject to a previous permission for 100% conversion to residential flats.

CONSULTATIONS

Environmental Health
Conservation Officer
Listed Building Officer

Consultations responses received:

Arun DC Environmental Health - no comments offered.

Conservation Area Advisory Committee - no objection.

Conservation Officer - It is considered that the change of use will not have a detrimental impact on the character or appearance of the Conservation Area. Further details of parking and soft landscaping should be conditioned.

Historic Buildings Adviser - No objection to the principle of a dwelling here but do raise concerns with the future proposal to 'hard landscape' the front of the building. The use of tarmac would not be acceptable, nor would the strong demarcation of parking bays, i.e. through painted lines. These material alterations would significantly harm the setting of the listed building and in turn the quality of the Conservation Area, which is not acceptable. Therefore, if the proposal is reliant on this type of treatment, it should be resisted for the reasons above. However, if the scheme can be implemented maintaining a soft landscape appearance, such as with gravel, then the scheme can be recommended for support.

Comments on Consultation responses:

A condition has been proposed to require the submission of hard and soft landscaping details. Such details will then be agreed with the Council's Historic Buildings Adviser.

It is noted that whilst the Environment Agency were not consulted on this application, they were on the previous application Ref FP/164/12 and at that time, raised no objection with a comment that: "Pleased to see that the submitted Flood Risk Assessment proposed finished floor levels of at least 300mm above ground level". A condition will be added to enforce this as per the condition imposed on FP/164/12.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary;
Listed Building Grade II;

Tree Preservation Order;
Class C Road; and
Within a Designated Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD2	Conservation Areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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."

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 the proposed change of use will

not have a materially adverse effect on the visual amenities of the locality or the residential amenities of 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 lies within the Felpham Conservation Area which is within the built up area boundary. The building is a Grade II Listed Building. Government policy as contained in the National Planning Policy Framework is to support sustainable economic growth. Paragraph 131 states that it is desirable to sustain and enhance the significance of heritage assets and to put them to a viable use consistent with their conservation, and that new development should make a positive contribution to local character and distinctiveness. It is considered that the proposal is in accordance with this policy as stated above.

Paragraph 18 of the NPPF is a statement that the Government is committed to securing economic growth in order to create jobs and prosperity. Paragraph 21 states that Local Planning Authorities should facilitate flexible working such as the integration of residential and commercial uses within the same unit. Therefore in principle there is no objection to the change of use from commercial to residential particularly in view of the fact that there are no Local Plan policies to protect the use of offices in this location. Furthermore, paragraph 21 supports this proposal to create a mixed use of both residential and office.

Notwithstanding the above, previous planning application FP/164/12 granted consent for the 100% conversion off this building into 5 flats. It therefore follows that an application to change only a part of the building, which uses the same floor plans as before and which is being determined under the same planning policies should just as (or even more) acceptable than the previous application.

THE FELPHAM CONSERVATION AREA

Church House is within the centre of the village opposite St Mary's Parish Church which is Listed Grade II. The church is the oldest building in the Conservation Area and dates back to the 11th Century. Therefore the appearance of this building is prominent within the street scene and Conservation Area, and affects the setting of the church.

Notwithstanding, there are no changes to the external appearance of the building. The car park to the front of the site will be landscaped and this will soften its appearance. The proposed change of use is therefore considered to have a neutral effect on the street scene and conservation area.

EMERGING EMPLOYMENT POLICY

Within the emerging Local Plan, which is currently at the consultation stage, there is policy DM1

which seeks the protection of existing premises and sites. The policy states that a change of use will not be permitted from B1 (offices) unless it has been demonstrated that the site is no longer required and is unlikely to be reused for commercial purposes. However, the policy is of limited weight due to the Local Plan review being at an early stage in the process and the policy has not yet been tested. It was not considered reasonable within the report for application FP/164/12 to refuse an application based on the emerging policy and at this stage of the Local Plan evolution.

AFFORDABLE HOUSING

The Council operates a policy where development proposing net additional residential units is expected to provide a commuted sum in the way of a legal agreement. In this case the applicant has submitted a signed S106 Agreement to provide a contribution to affordable housing in accordance with this policy.

BAT SURVEY REPORT

The applicant submitted a bat survey report with the previous application (resubmitted with this application). It states that two experienced bat surveyors undertook a daytime bat survey and an evening bat check of Church House on the 18th of July 2012. No bats or evidence of bats was seen in the roof voids. No bats emerged from the building during the evening, although one or two bats were active in the area. If bats or evidence of bats is found during the conversion then works will be stopped immediately and advice then sought from either Natural England or the Bat Conservation Trust.

SUMMARY

The report concerning the previous application for conversion of the building into 5 flats came to the conclusion that the proposed change of use from offices to residential would not result in any loss of residential or visual amenity, nor would it adversely impact upon the Conservation Area - and whilst the loss of employment opportunities was regrettable are regretted, this loss was to be balanced against the need to provide more residential accommodation and ensure a viable future for this heritage asset.

It is considered that the above still applies and that there has been no change in policy since last October 2012. Essentially, application FP/164/12 was approved for the conversion of the whole building into 5 flats. The current proposal is to convert only a part of the building into 1 flat and uses the same floor plans as before. On this basis, it is considered that permission should be 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 SUBJECT TO A SECTION 106 AGREEMENT

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/drawings: 1242/P010; 1242/P02 Rev A; and 1242/P05 Rev C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 The dwelling hereby approved shall not be occupied until details of the secure covered cycle storage building and bin store have beeen submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall not thereafter be used for any purpose other than the storage of cycles and bins.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 7th August 2013 by Tony Phebey and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 300mm above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

5 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

6 INFORMATIVE: This planning permission is subject to a signed S106 Agreement for a contribution towards Affordable Housing of £9,128.

7 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amendd) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

8 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.