Recommendation Report for Planning Permission

REF NO: **FP/40/12/**

LOCATION: Church House
94 Felpham Road
Felpham

PROPOSAL: Change of use from Offices (B1) to Residential use (C3) & three new dormer windows to replace existing

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to change the use from offices to 5 flats and to demolish the existing front dormers and insert 3 larger dormers.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint boundary wall to side. Brick/store wall to front.
SITE CHARACTERISTICS	2 storey with front dormers, red brick with grey dressing. Tiled roof chimney on either gable end. Single storey side extension (rendered and painted) with front 3 dormers. Front gravel for parking and 2 accesses.
CHARACTER OF LOCALITY	Mixed commercial and residential. Opposite shops. Opposite the Parish Church.

RELEVANT SITE HISTORY

FP/235/88	Additional dormer at north end of east slope	Approve Conditionaly 07-11-1988
FP/267/87	Conversion of offices and extension to form rest home for the elderly.	Approve Conditionaly 30-11-1988
FP/25/89	Extension to provide additional office space	Approve Conditionaly 29-03-1989

FP/138/89	Proposed reconstruction of the boundary wall to accommodate the visilbility requirements at the exit to the junction of Limmer Lane and Felpham Road.	Approve Conditionaly 27-09-1989
FP/145/89	Minor Amendments to Application Nos FP/25/89 and FP/26/89/L to amend the line of two small parts of the east wall relative to the boundary.	Approve Conditionaly 20-12-1989
FP/227/06/	After school education centre providing private tuition in english and maths for age range 6-16	Refused 06-12-2006
BR/110/77	Change of use from office to tailors work room	Refused 06-04-1977
FP/195/85	Conversion of offices into two three bedroom houses construct -ion of extension with three two bedroom flats 5 garages	Refused 12-02-1986
FP/55/86	Conversion of offices and refurbishment into 2 three bedroom houses with 2 garages and 2 parking spaces	Approve Conditionaly 11-06-1986

REPRESENTATIONS

Representations received:

Felpham Parish Council

Objection due to loss of office and increased access and egress to the site. Believe there are bats in the roof and original internal features that may be lost.

Conservation Area Advisory Committee
Objection, proposed dormers are too large. All original features to remain.

3 Letters of Objection
To the removal of a business from the village, a growing business will have to be resited, it would be inconvenient for current employees and would affect local shops. Adjacent property has rights of way across the site. Would devalue property. There are bats in the roof. Will overlook private house. There are pedestrian rights of way on the site.

Comments on Representations received:

Parish Council
Noted. There are no national or local policies to protect offices. The applicant will be advised to carry out a bat survey if a future application is to be submitted.

Others
Noted. There are no national or local policies to protect offices. All rights of way are protected between parties. Property prices are not a material planning consideration.

CONSULTATIONS

Engineering Services Manager

Economic Regeneration
Conservation Area Advisory Com
Local Plans

Consultations responses received:

Economic Regeneration
Objection due to loss of office space.

Engineers
No drainage comments.

Structural
No comments. Minor internal alterations and new wall supports will be dealt with under the Building Regulations.

Comments on Consultation responses:

Comments noted. There are no local plan policies to protect offices in the area.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary
Listed Building Grade II
TPO
Class B Road
Within a Designated Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with specific regard to impact upon the Listed Building.

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 conflict with these criteria in that the proposed new dormer windows would adversely affect the visual appearance and character of the building within the street scene.

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 and the building is a Grade II Listed Building.

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.

Whilst the change of use from offices to residential would effectively have a neutral effect, the proposed enlarged dormers would adversely affect the character and appearance of the listed building within the street scene and Conservation Area. The proposed dormers are considered to be unsympathetic and would have an unbalancing effect. The Conservation Area Advisory Committee agree with this objection.

National Planning Policy Framework
The Government policy 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 not in accordance with this policy as stated above.

Paragraph 133 states that where a proposed development will lead to substantial harm to a designated heritage asset then consent should be refused. In this case it is considered that the proposal does harm the visual appearance of the Listed Building and the setting of the Conservation Area. Therefore it is considered that the proposal is not in accordance with this policy and therefore consent should not be granted for the change to the dormer windows.

Paragraph 18 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.

Affordable Housing
The Council operates a policy where development proposing net additional residential units is expected to provide a commutted sum in the way of a legal agreement. In this case the proposal

is in conflict with such a policy as no legal agreement has been submitted.

Summary
Therefore it is considered that there is no objection to the principle of the proposed change of use from offices back to residential. However, the proposed alterations to the dormer windows is considered to result in an adverse visual impact on the Conservation Area and therefore neither preserves nor enhances it.

It is therefore recommended that the application is refused for the following reason.

HUMAN RIGHTS ACT

FOR APPROVAL
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) 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 none of the following impacts (negative, Neutral or positive) 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).

RECOMMENDATION

REFUSE

1 The site is within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal by reason of the enlarged dormer windows on the front elevation are considered to be an unsympathetic alteration harmful to the visual appearance and character of this highly prominent listed building and would conflict with the Local Planning Authority's intention to protect and enhance the visual amenities and environment of such areas, and with policies GEN7, AREA2 of the Arun District Local Plan.

2 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and the Council's interim affordable housing policy adopted on 18th August 2010.

3 INFORMATIVE: The applicant is reminded that if he wishes to make a revised application he should submitt with his application a section 106 legal agreement in line with the council's affordable housing policy. Failure to do so will result in the application not being registered.

4 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.