

Recommendation Report for Planning Permission**REF NO:** R/77/14/PL**LOCATION:** Church of St Peter & St Paul
The Street
Rustington**PROPOSAL:** Construction of extension to south side of church. This application affects the character and appearance of the Rustington Conservation Area (resubmission following R/188/13/).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above The proposal relates to a single storey extension on the south side of the church measuring 4.25m x 4.9m which would be linked to the existing choir vestry.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	One protected holly tree would be affected by the proposed development.
BOUNDARY TREATMENT	Flint walling around perimeter of churchyard
SITE CHARACTERISTICS	Existing 12th century church. Flint elevations. Arched windows. Grave stones and holly tree in area of proposed extension. Readily visible from path through church yard
CHARACTER OF LOCALITY	On edge of village centre. Mix of residential/retail and commercial. Public house opposite. Adjacent to public toilets and church hall to east.

RELEVANT SITE HISTORY

R/188/13/	Construction of extension to south side of church	Refused 12-11-2013
R/34/55	Two new vestries	ApproveConditionally 16-03-1955
R/4/62	Outline application for extension to church	ApproveConditionally 24-01-1962

R/274/70

Alterations to north entrance porch

ApproveConditionally

08-01-1971

REPRESENTATIONS

Representations received:

Rustington Parish Council

Support

5 letters of support - People with mobility problems and the elderly should not be expected to access toilets outside of the church. It is important that the facilities of the church of St Peter and St Paul match the invitation out into the community that all are welcome, which in turn must cover everyone's needs. No adverse effect on the character of the church or conservation area. Services have been missed in the past since there is no discrete to take children during the service. The works will make the church fit for purpose and allow it to continue to serve the community. The extension will be sympathetic to the character and appearance of the existing church building.

Comments on Representations received:

None

CONSULTATIONS

English Heritage

Listed Building Officer

Conservation Officer

The Victorian Society

Consultations responses received:

Historic Building Adviser -

Further to our site visit and internal inspection, we are more comfortable with the proposed development, though would request that a sample panel of flint work is conditioned for approval. This work should be absolutely consistent with the existing flint walling for the scheme to be properly sympathetic. Please also condition the following details:

? windows

? roofing

? buttress

? parapet

English Heritage Advice

The scheme has not substantially changed since the previous application (local authority ref R/188/13) apart from the means of access to the extension which is now directly from the south aisle, utilising an existing window opening. It is explained in the submissions that this Victorian stained glass window would then be reused in the new extension. Whilst raising no objection in principle to the proposed extension, we note that no information on the significance of this window has been provided and the local authority may therefore wish to seek advice from the Victorian Society on this aspect as well as seeking clarification from the applicant on the justification for the changes to internal access arrangements.

Should the local authority be minded to grant consent, we would advise that the detailing and materials of the scheme are carefully controlled and you may wish to impose a condition requiring a sample panel of the flintwork to be approved prior to the construction of the walls to

the extension. There may be buried archaeology that could be affected by the new extension and any new drainage facilities. We would therefore advise that a condition is also applied requiring that no works should be carried out until the implementation of a plan of archaeological work has been secured in accordance with a written scheme of investigation which can either be submitted to and accepted by the County Archaeologist or the Diocesan Archaeological Adviser.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Conservation Area Advisory Committee

Flintwork on new extension should match exactly the existing quality.

Conservation Officer

The proposed works are now considered acceptable. However, this is subject to the new flint work matching that of the existing. A sample panel of the flint should therefore be conditioned for approval.

Comments on Consultation responses:

- comments noted. Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:
Within Built up area Boundary
Within Designated Conservation Area
Tree Preservation Order
Class B Road
Listed Building Grade 2

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN7](#)
[GEN28](#)
[AREA2](#)
[AREA17](#)

The Form of New Development
Trees and Woodlands
Conservation Areas
Sites of Archaeological Interest

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings
D SP1 Design
HER SP1 The Historic Environment
HER DM3 Conservation Areas
HER DM6 Sites of Archaeological Interest

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed

Buildings & Conservation Areas) Act 1990 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 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 lies within Rustington Conservation Area and is Grade 2 listed, but benefits from ecclesiastical exemption. The proposed extension would be located on the south side of the church where it would be readily visible from one of the footpaths through the churchyard. The extension would be linked to an earlier vestry extension which dates from the 1950s. The proposal would involve removal of a holly tree and relocation of some of the grave stones.

The application follows an earlier refusal R/188/13 which did not contain a 'statement of need' justifying the need for the extension. No reference was made as to why internal re-ordering could not accommodate the requirements or why the adjacent church hall could not be utilised. Following this refusal the Historic Building Adviser and Conservation Officer have met the agent's and viewed the site constraints and a Statement of Need has been submitted with this application.

This confirms the intention is to use the building in the traditional role of a Parish Church, as an accessible and open centre for the village. Allowing concerts, exhibitions and meetings to take place there which will help to de-mystify the building and make it a place to which villagers will become confident to come and enjoy its peace at other times.

The information submitted with the application explains that main church services are well attended, but until recently congregations at church have not included many children. Efforts are being made to encourage more children and young people to attend, and a regular service for parents with young children is popular. At present this service is held in the church hall, but as the number of those attending continues to grow, it will be both necessary and desirable to move it into the church once re-ordering has been completed. The importance of encouraging young people into the church cannot be over-emphasised, as they represent its future. Some parents with very young children do wish to attend church services now, but have been put off because there is nowhere for them to withdraw to if a child grows fractious or becomes unsettled. The provision of such a separate space is considered an essential part of the re-ordering process. It is proposed that the current choir vestry will double up as a room to which those with young children may withdraw if they wish, but still follow the service.

In any new development, the provision of accessible toilet facilities is considered essential. The possibility of converting the existing vestry WC has been examined carefully, but the space is not large enough to provide a DDA compliant WC without unacceptably reducing vestry and sacristy

areas. Access from the body of the church could not be provided without lowering all of the floor, which would create considerable mechanical and electrical service and damp-proofing issues.

The existing accessible WCs in the public conveniences at the East end of the churchyard and in the church hall cannot be used, since the public toilet is closed in the evening, and the latter is only open for hall events. Both of these WCs are some distance away and it is felt that to cause people to leave the church in their wheelchairs, possibly braving adverse weather, to find a WC is simply not acceptable today; a view sympathetic with DDA legislation and recommendations.

The Vicar's vestry is a small space with many essential church requisites crammed into it. It houses vestments for the Vicar, Curate, Honorary Assistant Clergy and altar servers. The room also serves as the sacristy. It is also a quiet space in which the clergy can prepare themselves for services. The room is barely adequate in size to accommodate all these functions and any reduction would restrict its use further.

The church has a robed choir of 15 at services and it is hoped to recruit more. The choir vestry is lined with hanging wardrobes for vestments and cupboards to house a large quantity of sheet music, candles and other consumables as well as some flower arranging equipment. The storage space planned for the proposed extension will be used to relieve the congestion in the choir vestry; making it more suitable for its planned secondary purpose of providing a temporary refuge for parents with distressed or noisy small children.

There are at present two small WCs, dating from 1958, neither has a wash basin. The proposal is to provide one larger WC with a washbasin and a baby change facility. This WC can be used by Vicar, choir, parents and children temporarily using the choir vestry. The proposed extension will provide a fully accessible WC, with a floor on the same level as that in the church, to facilitate wheelchair access. The area will also provide additional storage space, which will take some pressure off the present choir vestry.

The new extension will adjoin and match exactly the existing vestry. The flint work will be the same as the existing walls and will be conditioned accordingly. It will be necessary to build over existing graves, but the most recent of these are over 100 years old. There is a precedent for this. The existing vestry also covers burials, which have been commemorated by brass plaques on the floor. It is intended that the memorial stones relating to the graves will be moved and re-sited within the churchyard.

One window in the South aisle of the church will be removed and replaced by the access door to the new area. The window, which relates to one of the monuments to be re-positioned, will be placed on the outside wall of the extension and retained close to its related monument.

A holly tree stands very close to the end of the proposed extension and would be removed. This previously formed a reason for refusal. This tree (T9 on Tree Preservation Order 2/1985/R), is too close to the existing church building to be retained.

The agent's have advised that an Ecclesiastical Insurance loss adjuster, following a theft of lead from the South roof, stated that the tree, by concealing the South aisle roof, was a concern from a security point of view. In addition it prevents proper and safe maintenance of the aisle walling adjacent. It darkens an already not very attractive aspect of the churchyard, and keeps the sunlight from the South aisle windows. For these reasons, even if an extension were not being

proposed, the church would be seeking permission for its removal. It is considered that provided a suitable replacement tree is provided its loss would be acceptably mitigated.

A compelling case has therefore now been made for the extension and on this basis the need for the provision of a further flat roofed addition to the south elevation overrides the harm that would be caused to the character and appearance of the church, its setting and the appearance of the Conservation Area. The harm would be minimised by the use of flintwork and detailing to match the existing church which is covered by condition.

The application is therefore recommended for approval subject to the following conditions

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(the right to respect for 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 neutral 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).

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 Location and Block Plan, 4385/53 revA, 4385/57 revA, 4385/55 revA and

4385/59 revA

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 Any walling shall conform with a sample panel of flintwork which shall be erected on site and approved in writing by the Local Planning Authority before development commences and the development shall be carried out in accordance with the details so approved.

Reason: To preserve the appearance and special character of the building for the future in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule of materials, details and finishes for the windows, roofing, buttress and parapet of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 and AREA2 of the Arun District Local Plan.

- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policies GEN7 and AREA17.

- 6 The applicant shall during the next planting season following the felling of the holly tree, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision and in the event that any such tree dies within five years following such planting shall replace it with a similar tree in similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.

- 7 **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.