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

REF NO: **Y/12/16/L**

LOCATION: Yapton Free Church
Main Road
Yapton

PROPOSAL: Application for listed building consent for extension & alterations to improve the existing kitchen facilities & provide a disabled toilet

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The extension will enable the enlargement of the existing kitchen and the provision of a new disabled WC toilet. It measures approximately 5.2m by 5.7m. It will match in height, roof form & design with the existing building. The proposal will also reuse the feature windows from the existing south elevation.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITIY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mix of low to medium height walling/close boarded fencing.
SITE CHARACTERISTICS	The application site comprises a stand alone single storey pitched roof listed church with grassed amenity land/gardens to front and rear. On the western side, there is a large gravelled parking area.
CHARACTER OF LOCALITY	The area is on the edge of a village centre comprising predominantly of residential properties but also with a public house opposite. The residential dwellings are in a range of styles and sizes. The church also lies in the Yapton (Church Lane & Main Road/Church Road) Conservation Area.

RELEVANT SITE HISTORY

Y/59/89	Siting of temporary classroom	ApproveConditionally 27-09-1989
Y/37/91	Renewal of temporary planning permission	ApproveConditionally

Y/59/89 for siting of temporary classroom

13-11-1991

This application was subject to pre-application advice in February 2014. Whilst initially the proposal was rejected, a subsequent meeting resolved the stated concerns and led to the scheme as it is currently.

REPRESENTATIONS

Representations received:

No comments received.

One letter of support: "As a member of this church I support strongly the need for the extension and additions. A disabled toilet is imperative and for more room in the kitchen".

Comments on Representations received:

Noted.

CONSULTATIONS

Listed Building Officer
Conservation Officer

Consultations responses received:

Historic Buildings Adviser -

"No Objection. This scheme is in response to pre-application advice provided by the authority and results in the southern element being extruded to provide new facilities which includes a disabled toilet.

The approach taken appears to minimize any potential physical impact on the actual building and whilst it enlarges the asset, it seems to do so in a logical manner. The final success of the scheme will depend on the new building closely matching the existing and to this end materials and details should be conditioned to maintain its quality and character.

If there is any concern that harm is being caused to the asset, I would suggest that this is 'less than substantial' and under para 134 of the NPPF is subject to the public benefit test. Given that the Church is a largely public building with a community focus which is now seeking to improve its amenity, I would have thought that what harm could be identified is likely to be outweighed by these broader benefits."

Conservation Area Advisory Committee - "No objection. Good quality matching materials to be used - samples to be shown to planning officer prior to commencement".

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Class B Road;
Grade II Listed Building;
PD Restriction; and
Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

Publication Version of the Local Plan (October 2014):

HER DM1 Listed Buildings
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The policies within the Yapton Neighbourhood Plan are not considered to be relevant to the determination of this Listed Building Consent.

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 also states that:

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 property is a Grade II listed building located outside of the built-up area boundary of Yapton but is otherwise within a built up area.

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 to enlarge the existing building and improve the kitchen and toilet facilities. The extension will be designed and built to match with the existing building.

The proposal seeks to demolish an existing extension and add a new larger extension to improve the accommodation within the dwelling. The Councils Historic Buildings Adviser (HBA) advises that the approach taken will minimize any potential physical impact on the actual building and whilst it enlarges the asset, it does so in a logical manner.

The HBA also notes that the harm will be 'less than substantial' and that under paragraph 134 of the NPPF, the harm can be outweighed by the broader benefits of the extension to the community in which the Church serves.

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:

Location Plan Ref 01/1;
Block Plan Ref 01/2;
Existing Floor Plans and Elevations Ref 01/A; and
Proposed Plans and Elevations Ref 2.02 Rev A.

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 a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs (including the mortar) 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 preserve the appearance and special character of the building for the future

in accordance with the National Planning Policy Framework.

4 INFORMATIVE: Please note that a full planning permission is also required for this extension and no application has yet been submitted.