

**Recommendation Report for Listed Building Consent for Alterations, Extension or Demolition of a
Listed Building**

REF NO: BR/107/20/L

LOCATION: The William Hardwicke
12 High Street
Bognor Regis
PO21 1SR

PROPOSAL: Listed building consent for the change of use of part of the existing car park to pub garden, erection of 4 no. semi enclosed covered seating huts, addition of servery to form external bar and reduce height of existing shelter by 0.6m and associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Listed building consent for the change of use of part of a carpark to pub garden, erection of four seating huts, addition of service hatch to form external bar, an existing kitchen window to be bricked up and associated garden works.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by development.
BOUNDARY TREATMENT	A brick wall approximately 2.2m high bounds the beer garden to the north east and north west.
SITE CHARACTERISTICS	The William Hardwicke Public House, a two storey Listed Building Grade II with front terrace facing to the High Street and a paved beer garden with free-standing seating and a small car park with approximately 17 parking spaces, accessed via the side of the building. Close boarded wooden fence separating beer garden from the car park with temporary structures including smoking shelter pergola.
CHARACTER OF LOCALITY	The Pub is on the north-west side of High Street in the Town Centre, in walking distance to the beach and railway station, surrounded by properties with a commercial use on the ground floor and offices or residential above. To the immediate east of the car park is a two storey building of the Bognor Regis Spiritual Centre adjacent to 1-4 Gatehouse Mews.

RELEVANT SITE HISTORY

BR/109/20/PL	Change of use of part of the existing car park to pub garden, erection of 4 no. semi enclosed covered seating huts, addition of servery to form external bar and reduce height of existing shelter by 0.6m and associated works.
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BR/208/05/L	Application for Listed Building Consent for internal alterations & refurbishment including new disabled toilet & ramped access. Alterations to front elevation, new door openings & new opening to rear elevation.	ApproveConditionally 05-08-05
BR/310/04/L	Application for Listed Building Consent - fix new externally illuminated individual gilded letters 300mm high. Fix new externally illuminated fascia sign 2400 x 360mm. Fix 2 no. non-illuminated amenity boards 1000 x 400mm.	ApproveConditionally 08-10-04
BR/217/97/L	Application for Listed Building Consent for installation of wall ties & mild steel straps to west wall	ApproveConditionally 17-10-97
BR/125/97/L	Application for Listed Building Consent for alterations to parapets and external brickwork to rear extension	ApproveConditionally 22-07-97

Noted.

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The building is grade II and is thought to date from circa 1830. It is 2 storeys and basement, with a later extension which has a C19 public-house front. It is stuccoed with a cornice and parapet. Porch up 7 steps with handrail. There are a number of predominantly non-designated heritage assets (locally listed buildings) in the local area.

The proposal for various works to the rear amenity space as well as directly to the fabric of the building. Whilst the servery will utilise an existing opening, it is noted from the plans a window will be bricked up. Materials and the appropriate brick bond will be required to ensure it is suitable.

As identified within the heritage statement, the proposal would have less than substantial harm. This harm is considered to be on the lower level of the spectrum.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Controlling conditions will be attached to any planning permission granted.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary
 Bognor Regis Town Centre
 Listed Building Grade II The William Hardwicke
 Listed Building Polygon
 Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

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.

The policy 1 "Delivery of the Vision" of the Bognor Regis Neighbourhood Plan 2015 are considered to be relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(2) 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 or the Secretary of State 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."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Grade II Listed Building.

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:

Listed Building Consent for the change of use of part of a carpark to pub garden, erection of four seating huts, addition of service hatch to form external bar. It will be necessary to consider the proposals against the relevant development plan policy which in this case would be HER DM1 of the Arun Local Plan and the NPPF.

HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additional proposals should protect the setting of these buildings.

LISTED BUILDING AND HERITAGE

Para 189 of the NPPF advises that in the determination of applications, the local planning authority should require an applicant describe the significance of any heritage assets affected, including any contribution made by their setting. The applicant submitted a heritage statement in which includes a description of the listed building and concludes that the moderate benefits are considered to outweigh the less than substantial harm of the development.

When considering the impact of the proposal upon the significance of a designated heritage asset it is identified under para 193 that a great weight should be given to the asset's Conservation (and the more important the asset, the greater the weight should be) irrespective of if the potential harm amounts to substantial harm, total loss or less than substantial harm to the significance of the designated asset.

Para 193 of the NPPF reflects the requirements of Section 16(2) of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended) which identifies that when considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.

The proposal would involve the various works to the rear amenity space as well as directly to the fabric of the building by proposing an existing window to be bricked up. The majority of the works relate to the provision of seating areas and covered seating areas which do not require Listed Building Consent.

Given the scale, and nature of the development and the way how it would be implemented it is considered that the proposal would not cause harm to the significance of the heritage asset or its setting.

SUMMARY

Much of the works in the description of the development do not require consent - it is only the elements that alter the building that do. Following the comments received by the Conservation Officer the development would not have an adverse impact on the appearance, character or historic fabric of The William Hardwicke, therefore the listed building consent should be granted.

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:

E000 Location Plan
D001 Proposed Block Plan
D100 Proposed General Access Plan
D200 Proposed External Area Lighting Layout
D300 North East Elevations
E301/D301 North West Internal Elevations
D302 South West Elevations& Service Hatch
D500 Proposed Hut Details
D501 Proposed Seating Detail

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.