

Recommendation Report for Planning Permission

REF NO: BR/120/19/PL

LOCATION: The Bandstand
The Promenade
Bognor Regis

PROPOSAL: Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration and access ramp.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration. Following the deferral of the application a ramp to allow wheelchair access has been added. Further details of paint colours, bricks and flooring materials have been provided.
SITE AREA	180 square metres
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The promenade is in on a higher level than the road to the north (The Esplanade), with a wall approximately 1.2m high with railings on the edge of pavement, with the beach running along the southern side.
SITE CHARACTERISTICS	Bandstand on Bognor Regis promenade.
CHARACTER OF LOCALITY	Built up area, mix of residential and commercial use.

RELEVANT SITE HISTORY

BR/121/19/L	Listed building consent for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal
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of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration & fitting of Perspex sheeting behind balustrading to form windbreaks.

BR/151/06/L	Application for Listed Building Consent to attach flexible rope light to the verticle ribs of the Bandstand roof	ApproveConditionally 28-06-06
BR/146/94	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 to reinstate S W timber boarded ceiling including the installation of 8 no recessed downlighters. To reinstate cast frieze to roof eaves above gutter.	Deemed Perm Cnd 10-08-94
BR/147/94/L	Application under Regulation 13 of the Planning (Listed Building & Conservation Areas) Regulations 1990 for Listed Building Consent to reinstate S W timber boarded ceiling including the installation of 8 no recessed downlighters. To reinstate cast frieze to roof eaves above gutter.	ApproveConditionally 10-10-94
BR/47/92	Application under Regulation 4 of the Town & Country Planning General Regulations 1976 to dismantle and remove Bandstand from site to refurbish and replace missing details as necessary to re-assemble on existing site with new roof to existing detail	Deemed Perm Cnd 13-04-92
BR/48/92/L	Application under Regulation 13 of the Planning (Listed Building & Conservation Areas) Regulations 1990 for Listed Building Consent to dismantle and remove Bandstand from site To refurbish and replace details missing as necessary. To re-assemble on existing site with new roof to existing detail.	Apprvd Cond by DCLG 08-05-92

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council

Bognor Regis Town Council

Objected on the grounds of design, appearance and visual impact with particular concerns over the fitting of Perspex sheeting to The Bandstand; insufficient design details were provided.

COMMENTS ON REPRESENTATIONS RECEIVED:

The agent addressed the comments of Bognor Regis Town Council and of the Conservation Officer and provided amended plans showing the omission of the originally proposed Perspex sheeting behind balustrading to form windbreaks and ensured the proposed Perspex sheeting at high level will not be readily visible and would be easily removable on a future occasion in order that the work can be fully reversed.

CONSULTATIONS

Conservation Officer

Estates Manager

Engineering Services Manager

Engineers (Drainage)

Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The proposal is to repair the structure, whilst restoring certain elements and generally refurbishing it, the existing general layout of the site would be retained. The access into the bandstand would be altered slightly with the pedestrian gate relocated from the south elevation to the west two open sides to the east and west infilled with new balustrading to match existing, missing railings and ceiling details will be reinstated. The existing step on the west elevation will be retained. Such a proposal will have a positive impact upon the listed building.

It is not clear from reviewing the information why the location of the gate is to change. Scant information has been provided regarding the proposed Perspex sheeting and it is not clear how it will be fixed to the structure, if a permanent element of the structure, or removable. The size of the panels and how the horizontal timber boarding will to be fitted below the roof structure is unclear as well.

Based on the information provided, details of the proposed red bricks to be used to replace those used for the brick plinth will need to be provided. All of the colours to be used should be agreed with the LPA.

A copy of this assessment and of any new information which comes to light during alterations and construction should be offered to the Historic Environment Record of Arun District Council.

2nd response following addition of ramp and further details:-

I note that revised plans are proposed for the bandstand. These plans are partly provided to include additional detailed design information (to remove the need for Discard any conditions), as well as providing an access ramp.

The additional details related to the design information includes the proposed colours that the bandstand will be painted, along with details of the tiled floor. Having had the opportunity to view these details, it is considered that they are suitable for the structure and will not harm it. In fact, the proposed colours are an improvement on the existing colour scheme. The proposed red brick will satisfactorily replace the existing yellow coloured ones.

The only area of concern is that of the introduction of the access ramp. Whilst the concept of ensuring access for all is supported, it is also problematical. The nature of a large ramp around approximately one quarter will potentially dominate the elevation of the structure and cause harm. I note that every attempt has been made to reduce its impact through the use of a basic pallet of materials and a simple handrail. However, it is considered that it will have a detrimental impact upon the heritage significance of the bandstand. Such impact will need to be weighed against the benefits that may result from its construction. These are varied and include greater access for all, and ensuring its long-term use.

Conclusion

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Engineer (Drainage & Coastal): no comments regarding surface water drainage.

COMMENTS ON CONSULTATION RESPONSES:

The agent provided amended drawings addressing the comments of Conservation Officer and has answered his questions and all the requirements of Conservation Officer were conditioned.

- Relocation of access gate. The Bandstand has previously been disassembled and re-assembled and is not in it's original location.
- The new timber boarding will be fitted to existing horizontal metal framework and would have a painted finish.
- Materials and paint colours have been specified and are considered acceptable.
- The provision of increased access and the improvements to the current structure are considered suitable public benefit to override the less than substantial harm.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
Grade II Listed Building
Class C Road

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 7	Promotion of tourism and beach service points

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.

Bognor Regis has a "made" Neighbourhood Plan and the relevant policies are 1,2 and 7.

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 the proposed would have a positive impact upon the listed building, would help to raise the overall profile and image of the area promoting the main tourism assets of the waterfront.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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 would not 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

NEIGHBOURHOOD PLAN:

Policy 1 of the Bognor Regis Neighbourhood Development Plan - Delivery of the vision- requires proposals to identify the significance of any affected heritage asset and assess any harm and benefit. Policy 2- Promoting the seaside identity asks for a restoration and an increase of the seaside identity; Policy 7- Promotion of tourism and beach services around five specific Beach Service Points in close proximity to step free access routes between the town and the foreshore; expected to provide the greatest range of amenities such as seasonal promenade cafes, eateries, retail and information outlets relevant to beach and seafront experience and visitor's needs.

CHARACTER AND DESIGN

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. The works result in some subtle changes and improvements to the external appearance whilst preserving the special architectural characteristics and qualities, bearing in mind the improvement and enhancement of the site in an appropriate manner.

HERITAGE:

The criterion a. and b. of Policy HER DM1 stress that proposals affecting statutory Listed Building will be required to preserve or enhance the historic character, qualities and specific interest of the buildings/structures; and be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior. The criterion d. and e. carry on by requiring to protect special interest of buildings of architectural or historic interest; and protect and where possible enhance the setting of the building.

NPPF part 16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the works are considered to cause no harm to the heritage asset.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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 Bandstand is a Grade II Listed Building which has been under-utilised, very rarely used for its original designed purpose as a bandstand in the recent past and some areas have consequently deteriorated in condition. The changes would provide appropriate conservation work to revitalise the structure together with some alteration and refurbishment. The originally proposed fitting of Perspex sheeting behind balustrading to form windbreaks has been omitted due to the objections of Bognor Regis Town Council and the comments of Conservation Officer. The retaining Perspex sheeting at high level would be fitted on the inside face of the existing metal fretwork and is required to prevent water penetration into the structure. The new Perspex sheeting will not be readily visible and would be easily removable on a future occasion in order that the work can be fully reversed. The relocation of the gate will position it where there is currently an access step, which is a logical location as this position would enable easy access and egress without disturbing the main thoroughfare along the promenade.

The addition of the ramp results in less than substantial harm to the building however it is considered the benefits that arise from the addition of the ramp - greater access to the building are such that the harm to the heritage asset is acceptable. The ramp is easily removable and so the harm is reversible.

The proposal would improve and enhance the appearance of the structure, site and the wider area.

SUMMARY

Given the nature and necessity of the proposed alteration and the way how it would be implemented it is considered that the proposed works would protect the architectural and historical integrity and detailing of a Listed Building, would improve and enhance the existing surrounding environment and consequently attract visitors, therefore they are considered to accord with D DM1, HER SP1 and HER DM1 of the Arun Local Plan and with the guidance in the NPPF and the planning consent should be granted.

The additional plans have resulted in an additional notification to the Town Council. It is therefore recommended that the decision is issued at the end of the notification period (or sooner if a response is received from the Town Council) by the Head of Planning in consultation with the Chair of Committee.

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 positive impact on the protected characteristics - disability.

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 & Block Plan

DRW 824/01 'Existing Site Layout Plan

DRW 824/03/ Rev C

DRW 824/04 'Proposed Floor and Roof Plan & Elevations' Rev F

DRW 824/05 'Proposed South & North Elevations Railing Replacement Repair Details'

DRW 824/06 'Proposed East & West Elevations Railing Replacement Repair Details'

DRW 824/07 'Proposed reflected Ceiling and Lighting Plans'

DRW 824/11 Proposed ramp

DRW 824/12 Proposed colour scheme

External materials covering letter dated 18/12/19

Octagonal Floor tile layout received 18/12/19

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.