

Recommendation Report for Planning Permission

REF NO: BR/237/19/PL

LOCATION: Picturedrome Cinema
51 Canada Grove
Bognor Regis
PO21 1DW

PROPOSAL: Replace front window with doors to match opposite side with steps, removal of internal walls separating existing front counter & office area, removal of chimney & wall between first floor offices. This application affects the setting of a listed building & may affect the character & appearance of the Bognor Regis Railway Station Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove an existing window and replace with a set of doors to match others in existence. There are also internal alterations consisting of the removal of walls to both the ground and first floor.
BOUNDARY TREATMENT	1.8m brick wall and 1.8m close boarded fence to south boundary. Open to the front elevation.
SITE CHARACTERISTICS	Two storey Grade II listed building with various alterations over the years. It is also located within a Conservation Area.
CHARACTER OF LOCALITY	The site is within the town centre of Bognor Regis opposite the listed Railway Station. The area is mixed with both commercial and residential uses nearby.

RELEVANT SITE HISTORY

BR/147/11/L	Application for Listed Building Consent for alterations to internal fire doors & wall linings, external emergency light fittings.	Approve 31-08-11
BR/238/19/L	Listed building consent for the replacement of front window with doors to match opposite side with steps, removal of internal walls separating existing front counter & office area, removal of chimney & wall between first floor offices.	
BR/109/15/PL	Demolition of rear fire escape store & female toilet block. Extension for 114 seat auditorium & internal alterations to existing building to facilitate new works. This application	ApproveConditionally 17-07-15

affects the character & appearance of Bognor Regis
Railway station Conservation Area

BR/110/15/L	Application for Listed Building Consent for proposed demolition of rear fire escape store & female toilet block to the original building. Proposed extension for 114 seat auditorium & internal alterations to existing building to facilitate new works.	ApproveConditionally 17-07-15
BR/290/14/DOC	Application for approval of matters reserved by condition imposed under BR/220/13/L relating to condition 3 for details of grey solar reflective film used to cover windows.	DOC Approved 28-01-15
BR/220/13/L	Application for Listed Building consent for the conversion of redundant space at first floor level to create Screen 3 seating up to 45 persons	ApproveConditionally 18-12-13
BR/56/11/L	Application for listed building consent for the erection of security gates and fences	ApproveConditionally 12-10-11
BR/55/11/	Erection of security gates and fences	ApproveConditionally 12-10-11
BR/281/14/DOC	Application for approval of details reserved by condition imposed under BR/131/14/L relating to condition 4 - material samples.	DOC Approved 29-01-15
BR/131/14/L	Application for Listed Building Consent for renewal of existing main tiled roof and other minor associated roofing works.	ApproveConditionally 24-09-14
BR/181/09/	Convert main cinema to 3 residential units, enlarge existing flat & rebuild rear fire escape	Refused 02-10-09
BR/182/09/L	Listed Building Consent to convert main cinema to 3 residential units, enlarge existing flat, demolish non	Refused 02-10-09

original additions to the rear (west) & South elevation,
restore original 1885 window openings & rebuild one rear
fire escape

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No comments as Landlord of the property.

No representation received from nearby occupiers .

Conservation Area Advisory Committee - Due to insufficient information we feel we cannot make a decision on the impact of the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The building is considered to be of architectural and historic significance. There are 2 main elements to the works namely the removal of a window and replacement with doors and the removal of internal walls. The alteration to the window will have a neutral impact. The removal of walls is more problematic with the layout considered fairly original during the listing assessment. The loss would erode the character and thus impact upon significance of the building. There is less than substantial harm caused and as a result public benefits need to be determined.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Grade II Listed Building

Conservation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(2) of the Planning (Listed Buildings and 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 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

PRINCIPLE

The development is situated within the built up area boundary where the principle of development is acceptable. The key policies considered are DDM1, DDM4 and HERSP1 of the Arun Local Plan.

Bognor Regis has a 'made' Neighbourhood Plan with policy 1 and 2 of relevance to the application.

DESIGN AND VISUAL AMENITY

The development is partly internal but also seeks alterations to the front elevation and as a result of the siting will be highly visible from the street scene with the building located to a corner at Linden Road and Canada Grove.

The front entrance which is located to the eastern side of the building, currently has 2 sets of doors for access and an existing window. The window will be replaced with an additional set of doors. With the design proposed to match that of the existing, it is considered to appear well integrated and sympathetic in appearance to the existing building.

The remainder of the works are internal and as such are not visible from the street scene.

Due to the design proposed, the alteration to the entrance is not considered to adversely impact upon the appearance of the building nor the character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

HERITAGE ASSETS

The building is considered to be of architectural and historical significance. The proposal has 2 main elements. The removal of a window and replacement of a door and will have a neutral impact on the significance of the building and will match the existing doors. The 2nd element is the removal of internal walls and is more problematic. The loss of the walls would erode the character of the space and impact the significance. Little information has been provided as to what the space will be used for and as such is hard to justify the loss. The internal works do not require planning permission.

Additional information was received from the applicant which advises that the removal of the wall is necessary as it would allow the space to be more accessible for all users. The cinema is heavily dependent on sales of food and beverages and the alteration would allow this to increase and enable the business to continue. One of the walls to be removed was added at a later date and therefore better represents the original layout.

Paragraph 190 of the NPPF requires the LPA to consider the significance of the impact on the asset. Due to the removal of the internal walls the impact can be described as causing less than substantial harm. If there is less than substantial harm on the heritage asset, it is necessary under para 196 of the NPPF to weigh this against the public benefit of the proposal.

Public benefits may include heritage benefits such as:

- * Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- * Reducing or removing risk to a heritage asset
- * Securing optimum viable use of a heritage asset in support of its long term conservation.

The works would allow the cinema to continue trading and maintain the use of the heritage asset in support of its long term conservation and it is considered the public benefit of the proposal outweighs the harm identified.

Further details have been requested for the proposed counter which will be submitted before commencement of development.

RESIDENTIAL AMENITY

Due to the type of development that is proposed, with the replacement of a window to door and the removal of internal windows, this is not considered to adversely impact upon neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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 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
 - Proposed Door - P07
 - Proposed First Floor Plan - P02
 - Proposed East Elevation - P03
 - Proposed South Elevation - P04
 - Proposed Ground Floor Plan - P01

- Block Plan - BP01
- Design and Access Statement
- Existing and Proposed Door Elevation - P08
- Door Section - P07

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.

- 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 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.