

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

REF NO: BR/238/19/L

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

PROPOSAL: 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.

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.
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/237/19/PL	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.	
BR/178/16/NMA	Application for a non-material amendment following a grant of BR/109/15/PL to increase the rear means of escape to 1500mm with new access ramp; the west elevation to be pulled back by 595mm, the south elevation by 205mm, the north elevation by 167mm with an increased chamfer to the fire stair.	Approve 03-08-16
BR/109/15/PL	Demolition of rear fire escape store & female toilet block.	ApproveConditionally

Extension for 114 seat auditorium & internal alterations to existing building to facilitate new works. This application 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/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/55/11/	Erection of security gates and fences	ApproveConditionally 12-10-11
BR/56/11/L	Application for listed building consent for the erection of security gates and fences	ApproveConditionally 12-10-11

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No comment as landlords of the property.

No representation received from nearby occupiers.

Conservation Area Advisory Committee provided an objection

- Due to insufficient information we cannot make a decision on the impact on 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:

Grade II Listed Building

Conservation Area

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

HERDM3 HER DM3 Conservation Areas

HERSP1 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 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 application concerns external works to a grade II listed building. Given the building's listed status, any alterations should protect and enhance the special historic and architectural character of the building, and preserve its setting.

Policy 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. Additionally, because the listed building is significant heritage asset proposals should protect the setting of these buildings.

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.

Additional information was received from the applicant who 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.

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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
 - 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 No development shall commence until further details of the proposal have been submitted to and approved in writing by the Local Planning Authority. These details include :-

Full details at a scale of 1:50 showing the height, design and materials of the proposed counter to be installed.

Details of any other joinery to be installed internally.

Reasons: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies HER DM1 of the Arun Local Plan.

- 4 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 5 Upon completion of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good to the satisfaction of the Local Planning Authority.

Reason: To preserve the special character and appearance of the building for the future in accordance with HER DM1 of the Arun Local Plan and the NPPF .