

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

REF NO: BR/330/17/L

LOCATION: The Pier
The Esplanade
Bognor Regis
PO21 1SY

PROPOSAL: Listed building consent for the removal of existing dropped soffit & lighting, making good original soffit above & 6 No. new lighting to arcade area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The consent will also remove the unauthorised works carried out.
SITE AREA	0.33 hectares.
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	Historic grade II listed pier, with two storey building atop.
CHARACTER OF LOCALITY	Seaside location, mix of residential and commercial and tourist uses and beach.

RELEVANT SITE HISTORY

BR/217/12/L	Application for Listed Building consent for installation of an extraction flue to provide extraction of hot air created from cooking within the fish and chip shop. Flue to pass through the wall where an existing vent is placed.	ApproveConditionally 12-12-12
BR/158/07/L	Application for Listed Building Consent to convert existing retail unit to arcade use, replace existing shop front to full width of pier building	ApproveConditionally 18-07-07
BR/115/03/L	Application for Listed Building Consent to remove existing single storey toilet blocks and extend building to incorporate current patio area and provide new toilet accommodation, new staircase. Internal alterations to existing buildings.	ApproveConditionally 11-09-03
BR/262/99/L	Application for Listed Building Consent to dismantle & remove collapsed section together with a further 60feet	Approve 21-01-00

(18.283metres) to ensure continued safety of remaining part

BR/215/99/L	Application for Listed Building Consent for alterations to internal partitioning	ApproveConditionally 01-11-99
BR/79/95/L	Application for Listed Building Consent to re-instate as existing with new steel and timber the seaward section of the pier beyond the barrier.	ApproveConditionally 12-05-95
BR/173/94/L	Application for Listed Building Consent for restoration and repair work to pier deck steelwork and concrete slabs including steel beam and bracing replacement where required.	ApproveConditionally 22-07-94
BR/316/92/L	Application for Listed Building Consent for removal of childrens play equipment from Waterloo Square and re-positioning of same on Pier Deck.	ApproveConditionally 15-01-93
BR/237/92/L	Application for Listed Building Consent for part removal of existing balustrade and handrail standards to south/east side of pier, together with replacement of some main supporting steel beams to underside of pier.	Apprvd Cond by DCLG 21-12-92
BR/172/92/L	Application for Listed Building Consent for new PVC pipe to underside of pier from kitchen to existing pipe. Steel mesh casing to some underside soil pipes. Mechanical extraction system to new kitchen. Removal of certain underside disused cast iron pipes.	ApproveConditionally 07-10-92
BR/16/92/L	Application for Listed Building Consent for flooring in of existing void area at 2nd.floor level for additional floor area for night club.	ApproveConditionally 28-02-92
BR/86/91/L	Application for listed building consent for installation of new shopfronts	ApproveConditionally 27-08-91

BR/77/91/L	Application under Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 for the removal of all remaining timber stumps (approx 25) to former landing stage	Approved by DCLG 28-06-91
BR/298/89/L	Listed Building Consent for Extension to existing bar	ApproveConditionally 02-08-89

Various listed building consents granted previously.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Listed Building Officer
Conservation Officer
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

The application has been made without reference to methodology for removal of existing, or making good of existing dropped ceiling. No evidence has been provided of what lies behind the existing soffit, nor any associated methodology.

There are no details of the proposed locations of new lighting (six are proposed), nor any details of the proposed fittings, wiring routes or other details.

Therefore it is not possible to comment on this application due to the incomplete nature of the application.

Following submission of further details and methodology the conservation officer had no objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Grade II listed building.

DEVELOPMENT PLAN POLICES

[Publication Version of the Local Plan \(October 2014\):](#)

HER DM1 Listed Buildings

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 District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The most recent main modifications of the plan have been to consultation and are being assessed by the inspector who is likely to conclude if the plan is sound in Spring 2018.

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. 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).

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The works are considered to comply with relevant Bognor Regis NDP policies, Policy 1 and 2.

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."

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.

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 works proposed are considered to enhance the character and appearance of the listed building by replacing the unauthorised work which harm its appearance in compliance with Bognor Regis NDP policies 1 and 2 and Section 12 of the NPPF and para. 132.

The application is recommended for approval including a condition limiting the time for the works to be carried out will be attached to cease the unauthorised breach and bring it within the Council's control.

HUMAN RIGHTS ACT

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 completed not later than the expiration of 1 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 and allow the Council to efficiently cease the current breach of listed building control.

- 2 The works hereby approved shall be carried out in accordance with the following:

Site Plan

Method Statement Dated: Feb 2017 (revised)

Reason: For the avoidance of doubt and in the interests of the character and appearance of the Grade 2 listed building, amenity and the environment in accordance with emerging Arun Local Plan Main Modifications (January 2018) policies HER DM1 & HER SP1 and Bognor Regis NDP policies 1 and 2.