

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

REF NO: P/63/14/L

LOCATION: Barton Manor Apartments
Barton Close
Bognor Regis

PROPOSAL: Application for Listed Building Consent for removal of modern stud wall

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The works are entirely internal.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is a brick wall approximately 1.5 metres high to the front of the site.
SITE CHARACTERISTICS	The stud wall is to the outside of the former nursing station now a part of Flat 6. The proposal allows this space to be opened up to the existing corridor.
CHARACTER OF LOCALITY	Barton Manor is a large white rendered property which dates back to the eighteenth and nineteenth centuries. The site is located on a small private road with properties of various styles.

RELEVANT SITE HISTORY

P/8/91/L	Application for Listed Building Consent for extension to existing Manor House for use as a Rest Home.	Withdrawn 22-03-1991
P/12/91/L	Application for Listed Building Consent for proposed conservatory	ApproveConditionally 29-05-1991
P/25/91/L	Application for listed building consent for proposed two storey extension for 16 bedrooms for rest home use	ApproveConditionally 29-05-1991
P/26/91/L	Application for listed building consent for extension for 16 bedrooms	ApproveConditionally 29-05-1991
P/13/91/L	Application for Listed Building Consent for internal alterations	Apprvd Cond by DCLG 29-08-1991

P/54/02/L	Application for Listed Building Consent - proposed alterations to decrease density from 19 bedrooms to 9 self-contained flats with swimming pool extension with flat over.	Refused 26-07-2002
P/89/02/L	Application for Listed Building Consent for proposed alterations to decrease density from 19 en-suite bedrooms to 9 self contained flats. (Re-submission of P/54/02/L)	ApproveConditionally 30-10-2002
P/141/02/L	Application for Listed Building Consent for a proposed minstral gallery to replace original (now demolished) in chapel	Refused 07-02-2003
P/163/07/L	Application for Listed Building Consent for the erection of two storey side extension to East gable to provide second bedrooms to two end flats	ApproveConditionally 04-03-2008
P/13/09/L	Application for Listed Building Consent for insertion of second floor in western end of Chapel and window in western gable.	ApproveConditionally 13-03-2009
P/20/14/L	Application for Listed Building Consent to change former nursing station to create 2nd bedroom for Apartment 6, to include new staircase & relocation of entrance door	ApproveConditionally 17-04-2014

None.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

Historic Buildings Adviser - no objection

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area;
Listed Building Grade II;
Archaeological Interest;
No Public Sewer;

Tree Preservation Order; and
Permitted Development Restriction.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to impact on the Listed Building.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 application proposes the removal of an internal stud wall. This follows application P/20/14/L for the relocation of the entrance door and new staircase into the roof. The internal stud wall divides the former nursing station (where the new staircase is) from the corridor. The Council's Historic Buildings Adviser has no objections to the works and the application works are not considered to be significant. On this basis, it is recommended that consent be granted with the following standard 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 First Floor Plan, Changes to Flat - Option 1 5B;
Existing First Floor Plan 3;
Block Plan 2; and
Location Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework.