

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

**REF NO:** R/164/19/L

**LOCATION:** Surgery, 85 The Street  
Rustington  
BN16 3NL

**PROPOSAL:** Listed building consent for remedial, health & safety works, fire alarm and emergency lighting installation, replacement windows and bin store re-arrangement.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | The application seeks Listed Building consent for remedial, health & safety works, fire alarm and emergency lighting installation, replacement windows and bin store re-arrangement.                                                                                                                                                                                                                                                      |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                            |
| SITE CHARACTERISTICS       | The building is listed as Grade II and consists of three former properties. It is faced with cobbles with red brick dressings and quoins. There is a slate roof in three hips. No 85 has a round-headed doorway with semi-circular fanlight a later gabled porch built over it. No 87 has a doorway with modern hood and a semi-circular fanlight over this. The building is considered to be of architectural and historic significance. |
| CHARACTER OF LOCALITY      | The building is also located within the Rustington Conservation Area which covers the original part of the village centre. It contains a mixture of fine buildings which are of aesthetic (fortuitous) significance.                                                                                                                                                                                                                      |

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| <b>RELEVANT SITE HISTORY</b> |
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| R/180/19/PL | Remove existing window, enlarge opening to form new fire exit door. This application may affect the character & appearance of the Rustington Conservation Area. |
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Noted.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Rustington Parish Council  
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

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| <b>CONSULTATIONS</b> |
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Listed Building Officer  
Conservation Officer  
Environmental Health

**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer:

The building is listed as Grade II and consists of three former properties. It is faced with cobbles with red brick dressings and quoins. There is a slate roof in three hips. No 85 has a round-headed doorway with semi-circular fanlight a later gabled porch built over it. No 87 has a doorway with modern hood and a semi-circular fanlight over this. The building is considered to be of architectural and historic significance.

The building is also located within the Rustington Conservation Area which covers the original part of the village centre. It contains a mixture of fine buildings which are of aesthetic (fortuitous) significance.

The application relates to a number of proposals which are required in order to ensure that the current health based use can remain. These proposals all appear to have been carefully considered in order to ensure that the character and significance of the building is not harmed. In fact, the replacement of the inappropriate windows will be an enhancement.

I note that reference is made on the plans to the statement 'investigate the glazed screen detail over the door' to the proposed waiting room number two. Whilst this action is considered to be acceptable, it is recommended that the applicant keep the LPA informed of any discoveries made, and any proposed works that would result. If minded to approve the application, please condition that details related to skirting and mouldings should match those of the existing, traditional features. Further, details of the replacement windows, the new glazed screen door to treatment room 4, and details of any new doors should be provided for by way of condition.

**Conclusion**

The application is considered to not cause harm to the significance of the heritage asset or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments.

You will also need to take into account the contents of sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

C.A.A.C - No objection.

- The proposal will enhance the appearance of the Conservation Area.

Environmental Health - No objection.

- The oil tank to be removed on site should be decommissioned and removed by a company experienced in such work, in order to protect the surrounding area.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Comment made by EH department not a matter that can be controlled under planning legislation.

#### POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Within Conservation Area

Grade II Listed Building

#### DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

HERDM3 HER DM3 Conservation Areas

#### 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.

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).

#### 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."

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 key policies are deemed to be HER DM1 and HER DM3 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

##### **SUMMARY**

Following the comments from the Conservation Officer, it is considered that the application is in accordance with the relevant policies in the Development Plan, and therefore should be approved, 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**

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 Block Plan - ALDP\_PS\_014\_19 - 12.06.2019
- Proposed Basement Works - ADLP\_PS\_013\_019 - 10.04.2019
- Proposed Ground Floor Works - ALDP\_PS\_020\_19 - 15.06.2019
- Proposed Layout Plan - ALDP\_PS\_011\_19 - 15.04.2019
- Proposed Elevations - ALDP\_PS-021\_19 - 15.07.2019

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 above damp proof course (DPC) level shall take place unless and until a details of the replacement windows, new screen door and any other doors to be used in the development of the proposed works have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy HER DM1 of the Arun Local Plan.

- 4 The materials and finishes of the skirting and mouldings of the proposal hereby permitted shall match in colour, texture and design those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies HER DM1 of the Arun Local Plan.

- 5 **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.