

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

REF NO: R/194/18/L

LOCATION: Old Orchard House
47 The Street
Rustington
BN16 3NU

PROPOSAL: Listed building consent to affix a Commemorative blue plaque on brick pillar adjoining pedestrian gate at north western corner of the curtilage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to fix a commemorative plaque to a pillar, adjacent to the pedestrian gate.
SITE AREA	Approx. 1373sqm..
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling, supplemented by timber fencing to front boundary and timber fencing enclosing the rear of the site, approximately 1.8m in height. Eastern boundary kept by flint walling, approx. 2m in height with hedging above, also a section of the existing garage is built-up to the boundary with timber fencing, approx. 1.6m in height to the rear.
SITE CHARACTERISTICS	Detached Grade II Listed Building with a plaque dated 1620, red brick quoins and dressing and flint elevations. Hipped to gable red tiled roof with 3 sections to property denoted by changes in ridge heights, gabled sections to east elevation. Timber sliding sash windows to front section of building with leaded light windows to rear. Various outbuildings to the east side of the building.
CHARACTER OF LOCALITY	Sited within the Rustington Conservation Area, mix of detached residential properties many of which are historic buildings.

RELEVANT SITE HISTORY

PAA/59/18/ Placement of plaque.

Approve Pre App
11-07-18

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Supported

The proposal to install a blue commemorative plaque is supported. It is considered that it will have a neutral impact upon the pillar and the setting of the Listed Building.

It is not clear how the plaque will be fixed to the structure. If using some form of fixing like screws, every attempt should be made to attached it to the mortar, and not the bricks themselves.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The comment regarding the attachment of the plaque will be added as an informative.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Grade II Listed Building

Conservation Area

Tree Preservation Order

DEVELOPMENT PLAN POLICES

HERDM1 HER DM1 Listed Buildings

HERDM3 HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

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.

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).

There are no relevant Rustington NP policies.

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

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be HER DM1 and HER DM3 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

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, proposals should protect the setting of these buildings.

Policy HER DM3 states that consent will be granted for proposals that preserve or enhance the character of appearance of the Conservation Area.

SUMMARY

Following the comments received by the Conservation Officer, it is considered that the proposed development is in accordance with the relevant Development Plan Policies and should therefore 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:

 - 'showing position of pillar where blue plaque will be mounted' - Map 2
 - 6 - Design of plaque - (actual diameter 23mm)
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:**
If using some form of fixing like screws, every attempt should be made to attach it to the mortar, and not the bricks themselves.