

Recommendation Report for Planning Permission

REF NO: R/40/26/PL

LOCATION: Mulberry Lodge and Rowan House
Cudlow Gardens
Sea Lane
Rustington
BN16 2RN

PROPOSAL: Replacement of roof tiles and associated fittings to existing pitched roofs. This application may affect the setting of listed buildings and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	A map-based assessment has identified that there is a listed building to the north of Flint House. This is an early C19 two storeys building with stuccoed elevations, eaves bracket cornice and a pitched slate roof. The west front has a doorway with engaged columns, pediment, semi-circular fanlight and door of six fielded panels. There are also two curved bays of two windows each on ground floor. On the southern elevation is another doorway flanked by narrow lights with a large semi-circular fanlight and a flat hood over. Above that is a Bull's-eye window on first floor. The windows are timber sliding sash windows with no glazing bars present. The building is considered to derive its significance from its architectural interest. The listed building is viewed and appreciated/experienced from the surrounding roads, and this includes the modern flatted development of Cudlow Gardens, and the application site.
CHARACTER OF LOCALITY	Residential.

REPRESENTATIONS

Rustington Parish Council - No objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

Mulberry Lodge and Rowan House are modern twentieth century buildings which form part of a larger development which extend very close to the listed building. There are opportunities to view both the modern development and these specific buildings in the context of the listed building.

The application identifies that the replacement tiles will be similar to the existing ones and a search online would appear to confirm that similar tiles are available. As a result, I am of the opinion that the impact on the setting of the listed building should be neutral.

The application is considered to not cause harm to the significance of the heritage asset(s) or its/their setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order
Within Built-Up Area Boundary
CIL Zone 4

DEVELOPMENT PLAN POLICIES

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

HERDM1	HER DM1 Listed Buildings
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposal does not result in harm the significance of designated heritage assets.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The application site contains two two-storey blocks of flats, Mulberry Lodge and Rowan House. This application seeks planning permission for the replacement of the roof tiles and associated fittings. As the application seeks like-for-like replacements, there will be no material impacts on the character of the host dwellings or surrounding area.

Given the scale and nature of the proposal, the proposed roof tiles and associated fittings would not result in harm to visual amenity and as such, are in accordance with Arun Local Plan policy D DM1, in regard to design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal relates solely to the roof of the building. There will be no detrimental impacts on the residential amenity of neighbouring occupiers.

The proposal is in accordance with Arun Local Plan policy D DM1 in regard to neighbouring residential amenity.

HERITAGE

The site is within the setting of listed buildings, Cudlow House and Cudlow Cottage. The buildings are of architectural significance. The NPPF (2024) sets out several steps when considering impacts on heritage assets. Paragraph 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 208 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal.

Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. The applicant has provided a brief Heritage Statement.

The Conservation Officer has commented that the proposed replacement roof tiles are appropriate as they would be a close match when compared to the existing, and the proposal will have a neutral impact on the significance of the setting of the heritage assets. The proposals are in accordance with paragraph 212 of the NPPF and ALP policy HER DM1.

SUMMARY

The application is in accordance with the relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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:

Mulberry Lodge Location Plan, Elevations and Roof Plan 263-01.
Rowan House Location Plan, Elevations and Roof Plan 263-02.
Block Plan 263-03.
Location Plan 263-04.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with Arun Local Plan policies D DM1, D DM4 and HER DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.