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

REF NO: **Y/30/17/L**

LOCATION: Cucumber Cottage
Main Road
Yapton

PROPOSAL: Application for listed building consent to remove existing light tube in flat roof of kitchen & add roof lantern window.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The roof lantern would be located centrally in the flat roof on the single storey element of the house and be of grey/black painted aluminium.
SITE AREA	0.04 hectares.
TOPOGRAPHY	Predominantly flat on the site but set up from the road.
BOUNDARY TREATMENT	2m wall to west, east and south boundary. Dwarf wall partly to front (north) boundary facing the road.
SITE CHARACTERISTICS	Semi-detached dwelling part of a former public house, single storey with garden to rear and parking for one car to front. The property is grade II listed.
CHARACTER OF LOCALITY	Historic main road village location. Formed mainly of two storey dwellings with some apartment buildings.

RELEVANT SITE HISTORY

Y/50/07/L	Application for Listed Building Consent for proposed new car park to rear of property & timber fence/soft landscaping screen, new ramped access and retaining walls. Garage modified to create through access route.	Refused 10-08-2007
Y/57/08/L	Application for Listed Building Consent for the conversion of existing public house to 4 flats & construction of 4 flats above 8 garages and ancillary parking for 2 cars & access drive.	Withdrawn 17-10-2008
Y/40/09/L	Application for Listed Building Consent for change of use from public house to two dwellings, with alterations to implement the use, demolition of rear toilet block and	ApproveConditionally 20-08-2009

construction of bathroom extension.

Various alterations granted approval previously including the works for the conversion of the former public house into the two current dwellings.

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer
Listed Building Officer
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

CONSERVATION AND DESIGN OFFICER

Cucumber Cottage is attached to Shoulders, which is a Grade II listed building of the 18th century. The buildings front the southern side of Main Road, in the Main Road/Church Road Conservation Area, and they make a strong contribution to local character.

The minor works to the modern addition to the rear of Cucumber Cottage cause no harm to the significance of either the listed building or the surrounding conservation area. There is no objection in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policies HER DM 1 & 3.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Grade II listed building.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	
Publication Version of the Local Plan (October 2014):	HER DM1 Listed Buildings
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Relevant Yapton NDP policies relevant to listed building consents have been considered.

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 or the character of the Conservation Area.

CONCLUSIONS

There is no objection from the Conservation and Design Officer and the roof lantern is considered to preserve the character of appearance of the listed building and its setting. The materials are considered to be acceptable to respect the character of the listed building and its setting.

It is recommended that listed building consent be granted.

HUMAN RIGHTS ACT

FOR APPROVAL
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:

Site Location Plan
Block/Site Plan
Proposed Floor Plans
Proposed Roof Plan

Reason: For the avoidance of doubt and in the interests of preserving the appearance and character of the listed building.