

Recommendation Report for Planning Permission

REF NO: AB/112/19/PL

LOCATION: 41 High Street
Arundel
BN18 9AG

PROPOSAL: Freezer housing, new extractor & ducting & new placement of bins in rear courtyard. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development seeks to construct a freezer housing, a new extractor, ducting and the new placement of bins, as in the rear courtyard.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the site is bordered by a low brick wall, with fencing.
SITE CHARACTERISTICS	Number 41 High Street is a terraced building which has white painted brick elevations. It fronts directly on to the pavement and forms part of a group with numbers 37 to 41A. It has been re-fronted during the C18 which creates a pleasing, well-mannered front elevation. The property has changed appearance and use and as a result of this is considered to be of both archaeological and aesthetic significance.
CHARACTER OF LOCALITY	The property is located in the Arundel Conservation area, which is of considerable importance with its wealth of buildings representing architectural form and style through progressive periods, which form a cohesive and contained hillside town. Although there are few buildings which at first sight date from earlier than the 18th Century, there is a good deal of concealed Tudor timber work and many of the present buildings have foundations which go back to medieval times, when the town grew as a market settlement.

RELEVANT SITE HISTORY

AB/122/19/L	Application for Listed Building Consent for replacement of old air extract system with new system.
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AB/117/14/L

Application for Listed Building Consent for the retention of an open cupboard, shelving and wall to the rear elevation.

Approve
18-11-14

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer -

Number 41 High Street is a terraced building which has white painted brick elevations. It fronts directly on to the pavement and forms part of a group with numbers 37 to 41A. It has been re-fronted during the C18 which creates a pleasing, well-mannered front elevation. The property has changed appearance and use and as a result of this is considered to be of both archaeological and aesthetic significance.

In addition, the property is located in the Arundel Conservation area, which is of considerable importance with its wealth of buildings representing architectural form and style through progressive periods, which form a cohesive and contained hillside town. Although there are few buildings which at first sight date from earlier than the 18th Century, there is a good deal of concealed Tudor timber work and many of the present buildings have foundations which go back to medieval times, when the town grew as a market settlement.

The Proposal

The application relates to three separate elements: a freezer housing, new extractor & ducting as well as new placement of bins in rear courtyard.

The freezer unit is located within what appears to be a timber structure, which is considered to follow the characteristics of a garden shed. It is stained light grey and has a black roof. Whilst it is located in the rear of the site, it is visible from the Crown Yard Car park. A lack of any significant form of means of enclosure means that it is very visible. It is noted that the applicant states that the structure has been in its location for the last decade or so, but it is visible in the context of both the application site and the

surrounding properties. The structure has a beneficial use which is related to the restaurant, and is required to ensure that the building remains in use. However, it is visible within the public domain, where it does not have a positive impact upon the local character. If minded to approve the application it is suggested that potential landscaping scheme is considered or provided for by way of condition so as to reduce its impact

It is noted that the extractor system replaces a previous, larger network of pipes. The current system is currently located in a position, which means that it is fairly well hidden from view. With regards to the impact on the listed building, it is thought that its location and scale is such it will does not unduly harm the significance of the building or conservation area.

The 'wheelie bins' are located within the curtilage of the property and are placed so that they remain in the ownership of the applicant. These bins are easily moved and are not a permanent structure. Their location to the rear of the property, behind an existing wall reduces their impact. This impact could be further reduced through the use of a small wooden structure or similar. This would ensure that they are entirely hidden from view.

Conclusion

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the relevant contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conservation Area Advisory Committee - No objection.

- The C.A.A.C make a number of suggested alterations to the scheme.

Environmental Health - No comment.

- The Environmental Health department were invited to comment, but did not.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Grade II Listed Building

Arundel Conservation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable

Arundel Neighbourhood Plan 2014 POLICY 2: Development
A Spatial Plan for the Town

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 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 it is not considered to result in any significantly harmful impact upon the character of the locality, or the host dwelling.

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

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 1 of the Arundel Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

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 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of.

DESIGN AND VISUAL AMENITY

The proposed development is considered to have a reasonably minor impact upon the character of the host building, and its wider locality, when compared to that previously existing at the application site. Whilst it is noted that there has been the removal of foliage within the site, this is outside of planning control. There are few views of the extraction system from the public realm, due to the built form surrounding the application site. The bins have been in in place for some time, and is therefore not considered to result in any change to the character of the locality.

The proposed development is not considered to result in any significantly harmful impact upon the character of the host building, or its locality, in accordance with D DM1, HER DM1 and D DM4 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or it setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Whilst there is a heritage assessment submitted within the application, it is very limited and does not fully assess the significance of local heritage assets. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets.

In this instance, it is considered that the proposed development has 'less than substantial harm' upon the local assets. Therefore, Paragraph 196 of the Act applies, which states that where this level of harm is identified, the harm should be weighed against the public benefit of the proposal. The application is considered to have public benefit, in that it allows for the continued use of a Listed Building, and provides for a diverse, vibrant town centre.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significant impact upon the residential amenities of neighbouring dwellings. This is due to the siting, and scale of the built form not resulting in any significant overlooking, or overshadowing of neighbouring dwelling. Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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:
 - Block Plan - WSX 105627
 - New Air-Extraction System - Side View - Front View
 - Timber Shed Enclosing New Walk-In Freezer Room - Side - Front
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:** 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.