

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

REF NO: AB/122/19/L

LOCATION: 41 High Street
Arundel
BN18 9AG

PROPOSAL: Application for Listed Building Consent for replacement of old air extract system with new system.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks Listed Building consent to replace the old air extract system with a new system.
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/112/19/PL	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.
--------------	--

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Town Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

Listed Building Officer

Environmental Health

Economic Regeneration

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 was 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. Part of the building is visible from the neighbouring car park, and as a consequence, development in this locality should also be carefully considered.

This proposal relates purely to the extractor system which has already been installed. It is necessary for the restaurant use to continue. It is noted that the current extractor system replaces a previous, larger one, albeit in a similar location. The current system is located so that it is fairly well hidden from view, in an area with other equipment associated with the restaurant use. Further, it is acknowledged that such a system is required to maintain the restaurant use.

The location and size of the system mean that it will have a neutral impact and therefore not unduly harm the significance of the building or conservation area.

The application is considered to not cause harm to the significance of the heritage assets. 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 the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conservation Area Advisory Committee - No objection.

- C.A.A.C noted that restaurants and cafes make a major contribution to the viability and vitality of the town centre.
- As such, the proposal helps to maintain this use.
- They make a recommendation that the flue should be painted white.

Economic Development - No comment.

Environmental Health - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Within Arundel 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(2) of the Planning (Listed Buildings and 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:

- Block Plan - WSX 105627
- New Air-Extraction System - Side View - Front View
- Product data according to Commission Regulation (EU) 1253/2014

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.