

Recommendation Report for Planning Permission

REF NO: AB/141/25/PL

LOCATION: Norfolk Centre And Maison Dieu North Side
Mill Road
Arundel
BN18 9PA

PROPOSAL: Relocation of existing storage unit and additional storage units. This application may affect the setting of listed buildings, affects the character and appearance of the Arundel Conservation Area and is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the relocation of existing storage unit and additional storage units.
SITE CHARACTERISTICS	The site is an area of land at the rear of the Norfolk Centre.
CHARACTER OF LOCALITY	The site is close to the centre of Arundel, which has mostly commercial uses at ground floor level, with some residential use above. The immediate surroundings of the site are largely made up of car parking for nearby businesses and the Norfolk Centre.

RELEVANT SITE HISTORY

AB/8/15/PL	Single storey container cabin (resubmission following AB/118/14/PL). This application affects the character & appearance of the Arundel Conservation Area.	ApproveConditionally 09-04-15
AB/118/14/PL	Single storey portable cabin style building (resubmission following AB/100/14/PL). This application affects the character and appearance of the Arundel Conservation Area	ApproveConditionally 17-12-14
AB/100/14/PL	A single storey portable cabin style building within the Arundel Conservation Area.	Withdrawn 22-09-14

Planning history noted.

REPRESENTATIONS

Arundel Town Council - No response received.

Conservation Area Advisory Panel (CAAP) - No objection.

- Although the location of the site is extremely sensitive in terms of the multiple designated heritage assets, it is so concealed from public view that the Panel considers that the works will have no adverse on the character or appearance of the conservation area.
- The Panel welcomed this as a permanent storage solution rather than continue with temporary structures in more exposed sites within the conservation area.
- The Panel considered that unstained timber, preferably oak, would be better than stained timber since it would weather more satisfactorily in this particular location, and would need less long term maintenance.

No responses were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

- The site is close to a number of heritage assets, including the Maison Dieu Listed Building, Maison Dieu Scheduled Monument, Bridge Gates to Arundel Castle on Mill Road and various other listed buildings which are focused on The High Street. The site is also located within the Arundel Conservation Area.
- The site is highly sensitive due to multiple designated heritage assets. However, it is well screened from public view, so the works are not expected to harm the character or appearance of the conservation area, nor affect how the listed buildings are experienced from the public realm.
- The structure is also semi-permanent in that it can be easily removed.
- It is recommended that a landscaping scheme be formalised and approved by the Landscape Officer to ensure it is appropriate and helps soften the visual impact of the structures. This could be secured by condition.
- The choice of cladding material should be carefully considered. Stained timber requires ongoing maintenance, which could be complicated by planting. Unstained timber of an appropriate quality, such as oak, would weather more naturally and require less upkeep, making it a more suitable option for this location.
- Subject to the use of appropriate materials and landscaping, the proposal is considered to have a neutral impact upon the significance of the heritage assets or their setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Following these comments, the proposed materials have been altered to natural larch, which would be unstained. A condition has been attached requiring details of the proposed landscaping.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Built Up Area Boundary

Proximity of Listed Buildings

Proximity of Scheduled Ancient Monument

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment

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 proposals would not harm the character or appearance of the conservation area.

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.

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 character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

This application seeks to position three storage containers at the rear of an existing community centre in Arundel. One of these containers is existing and will be reused as part of the proposals. The principle of

development in this location is acceptable, subject to compliance with relevant development plan policies.

DESIGN AND VISUAL AMENITY

The site is to the rear of the Norfolk Centre, and the storage units are sited so as to minimise their visual impact. The containers would not be easily visible from Mill Road, although some views may be gained from the public seating area to the south of the Norfolk Centre site. Although some fleeting views of the containers may be gained from Mill Road when trees in the area are not in leaf, the containers will not be a prominent feature of the view from this road. The containers would be most visible from the car park to the rear of the site.

The containers would be positioned next to each other to form a single structure, which would measure 13m long by 2.4m wide and 2.9m high. The containers are to be finished with horizontal natural larch weatherboarding, which will weather to a silver colour. Although the size of the containers is substantial, they will not be easily visible from key view points within the town, and the use of timber cladding will help to soften their appearance, and makes the containers less incongruous in this setting.

The containers will not negatively impact the character or appearance of the area and are acceptable in accordance with ALP D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The containers are located away from residential properties and will not impact neighbouring residential amenity in accordance with ALP policy D DM1.

HERITAGE

ALP policies HER DM1 and HER DM3 relate to listed buildings and conservation areas, stating that proposals should preserve or enhance these designated heritage assets. ALP policy HER DM6 requires development affecting scheduled ancient monuments not to harm their archaeological interest. The site is within the Arundel Conservation Area, within close proximity of the Maison Dieu scheduled monument, the Bridge Gates of Arundel Castle, and various other listed buildings on the High Street.

The containers would be well screened from public view, and so would not harm the character or appearance of the conservation area, nor affect how the listed buildings are experienced from the public realm. The structure can be easily removed, and the land returned to its former condition. The conservation officer concluded that the proposals would have a neutral impact upon the significance of the heritage assets and their setting, subject to securing appropriate landscaping and external materials. A condition has been attached requiring details of the proposed landscaping scheme. Following comments from the conservation officer and CAAP, the external material has been altered to natural larch rather than stained timber.

The proposed containers will not harm the significance of the conservation area or nearby listed buildings, in accordance with ALP policies HER DM1 and HER DM3 and the NPPF.

SUMMARY

The development complies 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.

CIL DETAILS

This application is not CIL liable.

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:

 - Location and Block Plans 438/01 Rev A
 - Proposed plans, elevations and roof plan 438/03 Rev B
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and HER DM3.
- 3 Prior to first use, details of the proposed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall be implemented in accordance with the approved details prior to first use of the storage units. Any features which die or are removed within 5 years shall be replaced.

Reason: To ensure that the appearance of the proposed units does not result in harm to the character or visual amenity of the surrounding area, in accordance with HER DM3 and D DM1.
- 4 The external walls of the structure hereby permitted shall be finished with natural larch timber boarding.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and HER DM3.

- 5 **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.