

Recommendation Report for Planning Permission

REF NO: AB/148/25/PL

LOCATION: Arundel War Memorial and
outside 5-7 High Street
Arundel
BN18 9AB

PROPOSAL: Replacement of 3 No. cast iron street lighting units. This application affects the setting of listed buildings, affects the character and appearance of the Arundel Conservation Area and is CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks listed building consent for the replacement of 3 No cast iron street lighting units.
SITE CHARACTERISTICS	This application relates to two cast iron street lamps which are located on either side of the war memorial which stands in the centre of High St. The third street lamp is located on the corner outside 5 High St.
CHARACTER OF LOCALITY	The lamp posts are situated in the historic centre of Arundel, and are seen in street views, in combination with other lamp posts and many of the listed and locally listed buildings in the locality.

REPRESENTATIONS

Arundel Town Council - No objection, subject to a condition that the applicant installs high quality bespoke replacement columns that are sympathetic to the character and appearance of the Conservation Area. Details to be provided and approved.

Conservation Area Advisory Panel - No objection.

- The Panel deeply regret the potential loss of the historic cast iron street lighting columns, particularly those in The Square which make a distinctly positive contribution to this important space. However, the Panel is in no position to dispute the structural and public safety issues described in the applications and must reluctantly accept the argument that there is no option but to remove the cast iron units.
- The Panel welcomed the input of Arundel Town Council in the design of the proposed replacement units which will have a very similar appearance and height as the existing. If other cast iron street lighting columns, albeit relatively modern, need to be replaced within the conservation area, it is hoped that the same design will be followed.
- The Statutory Amenity Societies will need to be consulted on the application but it is not clear if the Council has a duty to consult Historic England. It is hoped that the Council will consult HE since, clearly, there are implications for historic cast iron structures nationally, not only locally, and it would be interesting to receive their views on the matter.
- If consent is granted for the removal of the columns it is hoped that they will be properly recorded and offered to a relevant museum, eg Amberley Museum.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**HISTORIC ENGLAND**

- The streetlamps are grade II listed due to their age, historic fabric and original elegant design. They contribute to the town's historic character, particularly within its conservation area. In addition, two are listed for their group value flanking the War Memorial.
- The proposals would result in total loss of the original structures and thereby their significance. Whilst a modern replica would be created, this would not be historic or authentic and could not justify total loss unless the streetlamps were beyond repair.
- The submitted heritage statement does not provide any detailed assessment of significance of the streetlamps or an assessment of the impact of the proposals on that significance, as required by paragraph 207 of the National Planning Policy framework (NPPF).
- If the streetlamp by the bridge is from the 1970s then it would be of less significance than those by the War Memorial. Anecdotal evidence suggests that this one was used as model for new replacements and not put back in the right place. If this is the case, it would be useful to know where the original is.
- The current submissions fail to fully explain why the streetlamps have to be replaced. No condition survey has been provided to better understand the existing condition and why this conclusion has been made. Therefore no clear and convincing justification has been provided nor any evidence as to whether other options such as repairs have been considered as required by the NPPF.
- Successful projects to repair historic street lamps have been undertaken elsewhere. A condition survey of the streetlamps, (including for those on the listed wall) should be undertaken itemising and recording the condition of each one onto a graphic or photographic baseline. This should be conducted by a specialist conservator who understands the materials that they are constructed of.
- Historic England can provide a list of specialist metal conservators/restorers to assist with this work, if that would be helpful. We are also aware of methods to test the structural integrity of the streetlamps, if necessary.

CONSERVATION OFFICER

- While a heritage statement has been provided it does not provide adequate information as required by NPPF paragraph 207, which places an onus on applicants to describe significance and assess impacts proportionately.
- The following heritage assets of relevance to this proposal: the streetlamps by the War Memorial; the streetlamp by the bridge; the Arundel War Memorial and Arundel Conservation Area.
- The proposal would result in the removal of the original listed structures and therefore the total loss of their historic fabric and significance.
- No condition survey or technical evidence has been provided to show this is true, or to show that repairs have even been considered. The NPPF requires clear evidence before causing harm to a listed structure, and this has not been supplied.
- While modern replicas are proposed, they cannot substitute for the authenticity of original structures and do not justify their removal unless it is first demonstrated that the existing are beyond repair.
- No information has been provided which identifies what is proposed to happen to the existing listed lamp columns once removed.
- It is acknowledged that the lamp beside the bridge may date from the 1970s (or later) and that anecdotal evidence suggests that it was used as a model for later replacements and not reinstated in its

original position. If this is correct, clarity is needed regarding the whereabouts of the original lamp.

- The four additional streetlamps situated on top of the listed wall in Maltravers Street, although not individually listed, are physically attached to the listed wall and therefore form part of that listing. Their replacement would also require listed building consent.

- At present, the application does not demonstrate why replacement, rather than repair, is the only viable option. This evidence gap is significant. To enable an informed assessment, a Specialist Condition Survey and a comprehensive Heritage Impact Assessment would be required.

- The proposal would result in the total loss of the heritage assets, amounting to substantial harm under the NPPF (paragraph 214). No clear or convincing justification has been provided to demonstrate that repair is not feasible or that replacement is the only viable option, and no information has been submitted regarding what is proposed to happen to the existing listed lamp columns once removed. In the absence of a specialist condition survey and a robust heritage impact assessment, the application fails to meet the requirements of NPPF paragraph 207 and does not provide the evidence necessary to assess or justify harm.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Grade II Listed Building

Arundel Conservation Area

DEVELOPMENT PLAN POLICIES

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

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

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, 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 not considered to comply with relevant Development Plan policies in that it results in the total loss of designated heritage assets, and the proposals are not adequately justified.

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.

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 not considered to comply with these criteria in that it results in the total loss of the Grade II listed structures.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The application relates to the removal and replacement of street lamps, and is acceptable in principle, subject to compliance with other development plan policies.

CHARACTER AND VISUAL AMENITY

The proposal is for the removal of the existing cast iron street lamps, and their replacement with modern, heritage style street lamps. The existing historic lamp posts make a positive contribution to the character of the area, and are seen in the context of the listed war memorial, other street lamps in the area, surrounding listed and locally listed buildings, and the wider conservation area. Whilst the replacement lamp posts are similar in terms of the use of a lantern on top of an octagonal column, the replacements will not be historic or authentic, and the replacement of the historic street lamps with modern replicas would result in harm to the character of the area, in conflict with Arun Local Plan policy D DM1.

It is noted that the street lamps are to be replaced due to concerns about their safety, however the application does not provide any detailed evidence to support this justification. If further justification were to be provided, the harm to the character of the area would likely be considered acceptable.

HERITAGE

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. The applicant has submitted some heritage information to fulfil this requirement. However, in their comments, both Historic England and the Council's Conservation Officer have noted that the heritage statement does not contain a sufficiently detailed assessment of the significance of the street lamps, and the impact of their removal. A more detailed account of the significance of the heritage assets would aid the assessment of the application, particularly in light of the suggestion that the third street lamp, which currently stands outside 5 High St, may not be the one described in the listing.

Paragraph 208 requires the Local Planning Authority to identify the significance of the heritage asset affected by a development. The street lamps are Grade II Listed. The streetlamps by the war memorial are described in the listing as cast iron cylindrical posts, fluted, with "Egyptian" capitals and fluted cross bars. The one by the bridge is described with a similar style column and a 4 sided glass lamp with acroteria at upper corners and ornamental air vent above. These three streetlamps are listed at grade II as a result of their age, historic fabric and original elegant design. The street lamps are also located in prominent locations within the Arundel Conservation Area, and the two street lamps by the war memorial also have group significance. The war memorial itself is also Grade II listed, the streetlamps contribute to its setting, and are seen in the context of other street lamps in the area, surrounding listed and locally listed buildings, and the wider conservation area.

The proposals result in the total loss of the listed lamp posts, and therefore the total loss of their significance. Whilst modern replicas would be created, these would not be historic or authentic, and replacement should not be considered unless the existing street lamps are proven to be beyond repair. Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It states that substantial harm to or loss of grade II listed buildings should be exceptional.

Paragraph 214 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The heritage statement states that the street lamps need to be replaced due to safety concerns, and are liable to suffer catastrophic failure due to cracking. However, no assessment of these specific street lamps appears to have been made, and no condition survey has been provided. Comments from Historic England and the Council's Conservation Officer indicate that repair and maintenance of existing historic street lamps has been achieved elsewhere in the country and may be possible in this instance. Their comments state that the submission does not clearly and convincingly demonstrate why the replacement of the street lamps is necessary, or whether other options, such as repair have been fully considered. In this respect, the application also conflicts with ALP policy HER DM1 which states that total loss of a listed building will only be permitted in wholly exceptional circumstances, and where there is a clear and convincing justification. The policy also requires proposals affecting listed buildings to be necessary. The submission also does not provide any detail on what would happen to the existing structures following their removal.

Both the Historic England comments and the Conservation Officer comments provide further advice on amendments to the proposals, and further information which could be provided in support of the proposals. Chief among these would be a condition survey, which would also assess the possibility of

repairing the existing structures. These comments are available to view, and should inform any future application for works to the street lamps.

The current submission does not provide clear and convincing justification for the total loss of the listed structures, and is therefore in conflict with paragraph 213 of the NPPF and ALP policy HER DM1. The submission also does not provide any evidence as to whether other options such as repair have been considered and exhausted. This also conflicts with paragraphs 213 and 214 of the NPPF, and ALP policy HER DM1.

SUMMARY

The application does not adequately assess the significance of the listed street lamps, or the implications of their removal, in conflict with paragraph 207 of the NPPF. The proposals results in the total loss of Grade II listed structures and has not been accompanied by a clear and convincing justification of this loss. It is not clear from the information submitted that other options have been considered and exhausted prior to seeking permission for their removal. The application therefore conflicts with paragraphs 213 and 214 of the NPPF and ALP policy HER DM1 and is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The application results in the total loss of three Grade II listed street lamps, and the total loss of these designated heritage assets has not been adequately justified. No clear or convincing justification has been provided to demonstrate that repair is not feasible or that replacement is the only viable option. In the absence of a specialist condition survey, the application does not

provide the evidence necessary to assess or justify harm. The application conflicts with NPPF paragraphs 213 and 214 and Arun Local Plan policy HER DM1. The application also fails to adequately describe the significance of the assets which are to be lost, and lacks a robust heritage impact assessment, in conflict with NPPF paragraph 207.

- 2 **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 identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.