

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

REF NO: AB/25/22/L

LOCATION: 41 High Street
Arundel
BN18 9AG

PROPOSAL: Listed building consent to (i) repaint existing window frames, existing front door, existing fascia and existing hanging sign on the High Street elevation of the building, and (ii) to remove the 3 fake trees and planter which sit over the ground floor fascia at first floor level.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks Listed Building consent to repaint the front window frames, front door, fascia and hanging sign with a black coloration (Farrow & Ball 'Railings') and add the trading name to the fascia and hanging sign in white. It also seeks consent to remove the 3 fake trees and planter which sit over the ground floor fascia at first floor level.
SITE CHARACTERISTICS	Number 41 High Street is a Grade II Listed Building. It forms part of a Listed Building with Nos 37 and 37A, No 39 and 41A High Street. It was re-fronted in the 18th century with brick, and painted white. This building features a brick modillion cornice, Parapet, 6 bays and 3 more openings on ground floor. No. 41 features 1 No. doorway with panelled reveals, and a modern shopfront. Even though the building has been subdivided to create a number of smaller units of accommodation, the group still reads as a single and imposing building; it occupies a prominent position in the High Street and contributes to the character of The Square. It is of architectural and historical significance.
CHARACTER OF LOCALITY	The area is predominately residential although set in the town centre and falls in the Arundel Conservation Area. The Conservation Area is expansive, encompassing the historic core of the town, Castle and the Cathedral. One of the principal attractions of Arundel is its wealth of buildings representing architectural form and style through progressive periods, which form a cohesive and contained hillside town. This Grade 2 Listed Building is one such building that contributes to the identity of the town centre. Buildings in the High Street all front directly onto the pavement and are predominantly in some form of retail and restaurant/cafe use at ground floor level. As a result, there are a number of shop fronts with associated signage clearly visible from the street.

REPRESENTATIONS

Arundel Town Council (ATC) - No Comment.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Area Advisory Panel (CAAP) - No Objection:

- The colour chosen to repaint the existing timber work is considered an improvement over the existing colour and, with the unfortunate exception of 39 High Street, will help bring the historically related group of buildings comprising Nos. 37-41a to a visual unity. The removal of the planter above the fascia which currently gives a cluttered appearance to the premises is welcomed.

The proposals are considered to comply with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to the protection of designated heritage assets.

Arun District Council - Conservation Officer Comments:

- The application is considered to not cause harm to the significance of the heritage assets or their setting. 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).

COMMENTS ON CONSULTATION RESPONSES:

In agreement with both consultation responses, the proposed repainting and removal of the 3 No. fake trees are a visual improvement to the frontage and will help unify the visual significance of the building.

POLICY CONTEXT

Grade 2 Listed Building.

Conservation Area.

2km Buffer for Site of Special Scientific Interest.

Built-up Area Boundary.

Town Centre Retail zone.

DEVELOPMENT PLAN POLICIES

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

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

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 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."

The proposal is considered to comply with these criteria in that it does not harm the character or the setting of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**BACKGROUND**

This application seeks consent to repaint the shop frontage with a Farrow and Ball 'Railings' Colour, remove 3 No. fake trees and planter from the front elevation and paint the front fascia and hanging sign with 'The Steakist' branding. The addition of the branding to the front fascia and hanging sign is not granted permission by this application and requires a separate advertisement application. The consent for this proposal regards the repainting of the frontage with Farrow and Ball 'Railings' colour paint and the removal of the 3 No. fake trees and planter only.

PRINCIPLE

Policy HER DM1 relates to Listed Buildings and state that proposals must protect, preserve and if possible, enhance the historic character and integrity of the building. The proposed alterations are to repaint the shop frontage with a colour that better suits the frontage and to remove 3 No. fake trees that sit atop the frontage. The works enhance the architectural character of the frontage and help to unify the visual appeal of the frontages on the High Street. The alterations preserve the historic character, qualities and special interest of the building and enhance the setting of the building. The proposed works accord with policies HER DM1 of the Arun Local Plan.

Policy HER SP1 of the Arun Local Plan, relates to the need for proposals to conserve or enhance the historic environment of the District. Developments likely to prejudice designated or non-designated heritage assets are to be refused. The proposal is compliant with this policy in that it brings no harm to, and conserves the heritage asset.

Paragraph 194 of the NPPF requires the Local Planning Authority (LPA) to ensure the applicant/agent describes the significance of the heritage asset affected by a proposed development. This has been achieved by submission of a Heritage Statement that accurately identifies No. 41 High Street as part of a Grade 2 Listed Building within a 15/16th Century terrace that was re-fronted in the 18th Century.

Paragraph 195 of the NPPF requires the LPA to identify and assess the significance of the impact upon the heritage assets related to the application. No. 41 High Street is one part of a larger Grade 2 listed building along with Nos. 37 and 37A, No 39 and 41A High Street. This building was re-fronted in the 18th Century with brick and painted white. The building features a brick modillion cornice, Parapet, 6 bays and 3 more openings on ground floor. No. 41 features 1 No. doorway with panelled reveals, and a modern shopfront. Even though the building has been subdivided to create a number of smaller units of accommodation, the group still reads as a single and imposing building; it occupies a prominent position in the High Street and contributes to the character of The Square. It is of architectural and historical significance. Having identified that the significance of the heritage asset is its architectural and historic design, in agreement with the Conservation Officers comments, the proposal will give no harm to the character of the heritage asset or its setting.

The proposal is compliant with Development Plan policies HER DM1 & HER SP1 of the Arun Local Plan and relevant Paragraphs 194 & 195 of the National Planning Policy Framework. As such, it 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

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 paint used for the hereby approved repainting of the shop frontage, must consist of 'Farrow and Ball (Railings) colour' as stated within the Design & Access Statement submitted for this application on 13/04/22.

Reason: For avoidance of doubt and compliance with policy HER DM1 of the Arun Local Plan.

- 3 INFORMATIVE: For avoidance of doubt, an application for advertisement consent must be submitted for the branding of the fascia sign and hanging sign and is not permitted under this permission.