

Recommendation Report for Planning Permission

REF NO: AB/52/22/PL

LOCATION: 2-4 Arundel Post Office And Delivery Office
High Street
Arundel
BN18 9AA

PROPOSAL: Replacement boiler flue. This application affects the setting of a Listed Building, may affect 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 to replace a Stainless Steel boiler flue at the rear of the site.
SITE AREA	Approx. 188sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The post office (2-8 High Street) is part of a Grade II Listed Building. The Listed Building consists of a terrace with a red brick ground floor, and a timber- framed first floor, with rendered nogging. Pitched tile roof. Red brick chimneys with corncicing, 2 storeys and attics. It was originally constructed in 1895, the East Bay on Mill Road elevation was added 1932. All ground floor windows tripartite mullioned casements with lead glazing bars and hoodmoulds. 1st floor jettied; with windows grouped under gables, 3 each on north and south elevations, 1 at each corner, and 5 on west elevation, All windows mullion and transom casements, some on coved oriels. There are several shops within the building, including the Post Office. It is of architectural and historical significance.
CHARACTER OF LOCALITY	The building forms a focal point on the corner of High Street and Mill Road and is located within the Arundel Conservation area. The Conservation Area contains many Listed Buildings and historic shop frontages, several which are in the immediate local area. Buildings front directly onto the pavement and form a cohesive, attractive group.

REPRESENTATIONS

Arundel Town Council - No Objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Area Advisory Panel (CAAP) - No Objection:

- However, there is the possibility that it could be viewed from the new open space located on the north side of Mill Road on the site of the former public toilets. Therefore, given the designated heritage context and settings it is recommended that the external sections of the new flue should be painted or coated black or dark grey.

Conservation Officer - No Objection:

- 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. It is recommended that the flue be of black coloration.

Environmental Health - No Objection:

- Condition regarding construction hours recommended.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Conditions regarding Construction hours and black coloration added per recommendations.

POLICY CONTEXT

Grade 2 Listed Building.

Conservation Area.

2km Buffer for Site of Special Scientific Interest.

Built-up Area Boundary.

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
HERDM3	HER DM3 Conservation Areas
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
------	------------------------------------

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

SPD2 Conservation Areas

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 it does not materially alter the appearance of the site or building.

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 complies with these criteria in that it does not materially affect the character or the setting of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is located within the Built-Up Area Boundary where the principle of development is acceptable in accordance with policy SD SP2 of the Arun Local Plan and policy AR1 of the Arundel Neighbourhood Development Plan.

The key policies considered are HER SP1, HER DM3, D SP1, D DM1 & D DM4 of the Arun Local Plan. Additionally, the Arun Design guide and key paragraphs 194 & 195 of the NPPF have been considered.

Policy HER SP1 regards the historic environment and generally aims to conserve or enhance the historic environment of the District. Heritage Assets and their settings be conserved and enhanced in a manner appropriate to their significance.

Policy HER DM3 pertains to development within Conservation Areas. This policy aims to preserve or enhance the character of these areas by ensuring proposals respond sensitively to the area and either preserve or enhance factors which positively contribute to the area.

Policy D SP1 of the Arun Local Plan regards the design of new development and states that it should be informed by sustainable design and should reflect the characteristics of the existing site and the locality in which it is situated. Characteristics relevant to this proposal include scale, character, materials, and finish.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. Those relevant to this proposal include: Character, Appearance, Impact 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.

Section L of the Arun Design guide regards materials, stating development should use a palette of materials and incorporate details which are simple, robust and in keeping with local design vernacular.

DESIGN AND VISUAL AMENITY

The scale of the replacement boiler flue is similar but larger than that of the existing flue. It is sited to the rear of the building in a similar location to that of the existing flue. It remains subservient to the host building.

Although proposed to be of a stainless steel finish, per the recommendations from the Conservation Officer and the CAAP, it has been conditioned to be painted black to better blend with the rear of the building. Stainless Steel is an appropriate material compliant with Section I of the Arun Design Guide.

Being sited to the rear of the building, it would have limited views from the wider street scene. It is of a similar design to the existing and will have no adverse visual impact of the locality.

The proposal is compliant with relevant Development Plan policies D SP1, D DM1(1)(14)(15) & D DM4(a)(b) of the Arun Local Plan. Additionally, Section L of the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

The nature, scale, and siting of the proposal are such that it will give no rise to any adverse impacts by way of overbearing, overshadowing, or overlooking on any neighbouring dwellings.

The proposal is compliant with relevant Development Plan policies D DM1(3) & D DM4(c) of the Arun Local Plan.

HERITAGE

All impacts and concerns regarding the Listed Building have been considered in an associated Listed Building Consent application.

Paragraph 194 of the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The proposal site is within the Arundel Conservation Area which has been correctly identified within the Heritage Statement and stated that it would have no harm to the heritage asset.

Paragraph 195 of the NPPF requires the Local Planning Authority (LPA) to identify the Heritage Assets significance and consider the impact upon the heritage assets related to the application. The building forms a focal point on the corner of High Street and Mill Road and is located within the Arundel Conservation area. The Conservation Area contains many Listed Buildings, a number of which are in the immediate local area. Buildings front directly on to the pavement and form a cohesive, attractive group. Further, this part of the Conservation Area is characterised by historic shop frontages and other commercial uses. Given that this is a replacement of an existing flue, the minor scale, discrete design, and minimal views from the wider area, the proposal would have no impact to or harm on the character or setting of the Conservation Area.

The proposal is compliant with relevant Development Plan Policy HER SP1 & HER DM3 of the Arun Local Plan and key paragraphs 194 & 195 of the NPPF.

SUMMARY

The proposal is compliant with relevant Development Plan policies and additional guidance. 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.

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 exterior of the replacement flue hereby approved, will painted black in coloration. This will be retained in perpetuity.

Reason: In the interests of providing a better integrated visual design in accordance with policy D DM1 of the Arun Local Plan.

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

- Proposed Ground Floor Plan & Roof Plan, Elevations & Block Plan 17281-02.
- General Arrangement Drawing 6782-GA-01 (Rev B).

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.

- 4 Construction hours: No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of The Adopted Arun Plan 2011 - 2031.

- 5 **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.