

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

REF NO: AB/55/21/L

LOCATION: 61 High Street
Arundel
BN18 9AJ

PROPOSAL: Listed building consent for the removal of the built-in seating, removal of the internal false timber cladding, lowering of height of food service hatch, installation of fold-down access ramp to basement steps, overlay of WC floor materials with single-ply membrane & 1 No. illuminated halo advertisement on front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the removal of the built-in seating, removal of the internal false timber cladding, lowering of height of food service hatch, installation of fold-down access ramp to basement steps, overlay of WC floor materials with single-ply membrane & 1 No. illuminated halo advertisement on front elevation. The advertisement to the front of the property also forms part of another application.
BOUNDARY TREATMENT	Property partly abuts high street and has listed railing to front.
SITE CHARACTERISTICS	61 High Street, Arundel, is a Grade II*, C18 Town House of red brick with rubbed brick voussoirs. It is 3 Storeys with a basement level, under a hipped tiled roof. The front elevation has 5 ranges of sash windows with glazing bars, as well as a doorway with unfluted Roman Doric columns, dentilled pediment, semi-circular fanlight and 6-panelled door. It is considered to be of architectural and historical significance.
CHARACTER OF LOCALITY	The building is also sited within the Arundel Conservation Area, with a number of other listed buildings 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.

RELEVANT SITE HISTORY

AB/59/21/A Installation of 1 x halo illuminated sign

PAA/103/20/	Change of use on the Lower Ground, Ground and First floor to 61 High Street, Arundel (Grade II) from A3 to C3 and A1 use class.	Approve Pre App 27-11-20
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AB/27/19/A	1 No. set of halo illuminated built up letters on front elevation.	ApproveConditionally 07-05-19
AB/28/19/L	Listed building consent for the erection of 1 No. set of Halo illuminated built up letter advertisements.	ApproveConditionally 07-05-19
AB/37/11/A	1 no. set of internally illuminated halo fascia text, 1 no. externally illuminated projection sign & 1 no. internally illuminated menu box	ApproveConditionally 13-07-11
AB/140/10/	Introduction of a restaurant at ground floor & part first floor and reinstatement of two apartments - one at first floor & one at second floor	App Cond with S106 09-03-11

History Noted.

REPRESENTATIONS

Conservation Officer:

- Internal alterations relate to modern fabric of building
- Ramp is a necessary feature however it should be conditioned to match the colour of the railings
- Simple fascia sign but bright in colour, considered acceptable. Fixing the lettering should be such that it utilises existing fixing points or is attached to mortar.
- Change of colour of sills and frames to GF windows unacceptable
- Additional downlighters out of character and harmful

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Arundel Town Council: Objection to wall mounted lighting and halo fascia signage, out of character with building.

Arundel District Conservation Area Advisory Panel: No Objection. The fascia signage is minimal and will have a neutral effect on appearance of conservation area. The ramp should be painted to match the railings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Applicants were requested to amend plans to have regard for some of the above comments.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

2 km buffer zone SSSI
Conservation Area
Town Centre Retail zone
Listed Building

DEVELOPMENT PLAN POLICIES

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

HERSP1	HER SP1 The Historic Environment
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.

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

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.

Policy HER DM3 relates to conservation areas and states that proposals must protect and if possible, enhance the setting of each.

The alterations to the internal items are considered acceptable as they are alterations to the modern fabric of the building. It is noted that a door way is to be opened up within the ground floor however the works are minimal and therefore accord with policies HER DM1 and HER DM3 of the Arun Local Plan.

Alterations to the plans submitted, removing the 4 downlighters from the front of the building and altering the colour of the ground floor sills/railing to colour PPG 1001-6 have been received, these are now in line with the comments. It is proposed, and will be conditioned that, the sills/railings and ramp will all be painted with this yet darker shade of grey. Although not quite black, it is expected that this shade will merge in far better with the black at first and second floors and not be out of character with the building or the street scene.

The 4 external wall mounted wall lights were also deemed harmful to the character of the building and out of place within the conservation area; their removal has countered this objection.

The fascia signage forms part of an advertisement application, this application will deal with its affixation to the building, it is considered that if it utilises existing fixing points or fixes into the mortar than no negative impacts to the listed building will occur. Although there have been objections to the halo lighting it is noted that previous signage in this location has also had halo lighting and it is not seen to negatively impact the street scene or listed building.

It is considered that the proposed works, as amended, are considered acceptable and accord with policies HER DM1 and HER DM3 of the Arun Local Plan.

Chapter 16 of the NPPF paragraphs 189, 190, 192, 193 and 196 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and the its weight against public benefits of the proposal.

Paragraph 189 of the NPPF requires the LPA to consider the significance of the impact on the asset. The minor alteration to the colour of features to the front and the replacement of signage is such that the proposal will bring about less than substantial harm on the building and its setting. If there is less than substantial harm on the heritage asset, it is necessary under para 196 of the NPPF to weigh this against the public benefit of the proposal. Public benefits may include heritage benefits such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risk to a heritage asset
- Securing optimum viable use of a heritage asset in support of its long term conservation.

It is considered that making the restaurant operational again such that it secures its optimum viable use and preserves the heritage asset for the future in accordance with para 196 of the NPPF.

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 development hereby approved shall be carried out in accordance with the following approved plans;

- Email dated 16th June 2021 (sill choice and downlight removal)
- 1033/03 Rev B Proposed Basement, and First floor plans and Elevation
- 1033/04 Rev A Proposed Ground Floor Plan
- 1033/06 Rev A Block Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy HER DM1 and HER DM3 of the Arun Local Plan.

- 3 The ground floor window sills, railings and ramp hereby approved shall all be painted in the colour agreed in the email dated 16th June 2021, that colour being 1001-6 'Knight's Armour'. They shall thereafter be maintained in this colour in perpetuity.

Reason: In the interests of preserving the historic character and cohesion of the listed building in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 4 The making good of the building to complete the execution of the works for which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

Reason: To preserve the appearance and special character of the building for the future in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.