

Recommendation Report for Planning Permission

REF NO: AB/63/19/PL

LOCATION: Flat 4, The Old Warehouse
Arun Street
Arundel
BN18 9DL

PROPOSAL: Creation of new front door - This application may affect the character and appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to a new door into the Northern elevation of the building.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building directly abuts the public highway.
SITE CHARACTERISTICS	The Old Warehouse is located on River Road, and front directly on to the River Arun. This building was constructed in the 1970s and plays a striking feature on the street scene.
CHARACTER OF LOCALITY	The area is a Conservation Area.

RELEVANT SITE HISTORY

AB/31/15/PL	First floor window in side elevation. This application affects the character & appearance of the Arundel Conservation Area.	ApproveConditionally 14-05-15
AB/58/14/PL	Creation of new window openings. This application affects the character and appearance of Arundel Conservation Area	ApproveConditionally 30-06-14

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Parish Council - No objection.

5 letters of support:

- The proposal would improve the appearance of the elevation.
- The proposal would improve the appearance of the street scene.
- The proposal would be in keeping with the buildings in Tarrant Wharf.

1 letters of objection:

- Out of keeping with the Conservation Area.
- If the neighbouring flat were allowed to do the same, it would alter the look of the building.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Planning permissions do not set precedents, as applications are considered on their individual merits.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer -

The application site is located within the Arundel Conservation area. Arundel is located astride the banks of the River Arun, north of the urban coastal area. 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.

There are also a number of Listed Buildings and Locally Listed Buildings in the surrounding area. Numbers 4-18 (odd) and number 11 Arun Street are Listed Buildings, whilst the remaining buildings in Arun Street are Locally Listed. Numbers 23-29 River Road are also Locally Listed. These buildings are predominantly two storey cottages which face directly on to the pavements and form a cohesive group of attractive homes, within an urban context. They are of aesthetic (fortuitous) significance. As part of this proposal, number 18 Arun Street is the closest Listed building to the elevation of the application building covered by this proposal.

The Old Warehouse is located on River Road and fronts directly on to the River Arun. Unlike the other properties in the street, this building was constructed in the 1970's and plays a striking feature on the street-scene.

I note that previous applications have been granted to alter some of the windows on the building. The proposal is for the creation of a new opening for a private front door to one of the apartments. The elevation affected by the proposal is simple in nature with limited windows present. The new door opening will introduce another opening on to the road. It is considered that this will have a neutral impact upon both the building and the character of the local area. This is on the basis that the door reflects the existing windows/doors on the building. Further, it is considered that the introduction of an additional opening will not harm the significance of the neighbouring Listed Building.

If you are minded to approve the application, details of the door should be provided to the Local Planning

authority (LPA) via a condition.

The application is considered to not cause harm to the significance of the heritage assets, and 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 sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, it is recommended that the proposed conditions be added.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Within Conservation Area

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
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

[Arundel Neighbourhood Plan 2014 POLICY1:](#) The Presumption in Favour of Sustainable Development

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 is not considered to have any significantly harmful impact upon the character of the surrounding Conservation Area, or have any significantly harmful impact upon the residential amenities of the neighbouring occupiers.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1, D DM4, HER DM1 and HER DM3 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density 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.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to have any significantly harmful impact upon the character of the host building, or its wider locality. This is as a result of its modest scale. The existing elevation of the building is simple in its nature, in that it has very few, uncomplex openings. The proposal introduces another openings into this elevation, which is not considered to have any harmful impact upon the host building, or its wider locality. Therefore, the proposal is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMEITY

The proposed development is not considered to result in any significantly harmful impact on the residential amenities of the occupiers of nearby dwellings. This is as a result of the lack of built form of the proposal, and the fact that the new opening is at ground floor level, and will therefore provide no views different to those available from the site at current. Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. There are a number of Listed Buildings and Locally Listed Buildings within the surrounding area. Numbers 4-18 (odd) and number 11 Arun Street are Listed Buildings, whilst the remaining buildings in Arun Street are Locally Listed. Numbers 23-29 River Road are also Locally Listed. These buildings are predominantly two storey cottages which face directly on to the pavements and form a group of attractive homes, within an urban context. They are of aesthetic (fortuitous) significance. As part of this proposal, number 18 Arun Street is the closest Listed building to the elevation of the application building covered by this proposal. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development does not cause harm to the conservation area in which it is sited nor the setting of neighbouring Listed Buildings, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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.

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:

- Existing and Proposed plans and elevations - Sheet 1 - 17th June 2019

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.

- 3 No development above damp proof course (DPC) level shall take place unless and until a details of the proposed door have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 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.