

Recommendation Report for Planning Permission

REF NO: AB/108/19/PL

LOCATION: 107A Tarrant Street
Arundel
BN18 9DP

PROPOSAL: Change of Use from Shop (A1 Shops) to Dwelling (C3 Dwellinghouses) - This application may affect the character and appearance of Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to a change of use from retail to a 1 bedroom residential unit and alterations to the rear elevation of the building.
SITE AREA	99sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Premises is located on back edge of footpath.
SITE CHARACTERISTICS	The subject premises forms the ground floor of a three-storey end of terrace building which is currently configured as a lock-up shop and rear yard. It is located within the Arundel Conservation Area, the upper floors appear to be residential. The ground floor retail element maintains a traditional looking shop front which forms an important part of the buildings appearance and character.
CHARACTER OF LOCALITY	Edge of town centre. The eastern end of Tarrant Street comprises a significant number of retail and food and drink outlets with an element of residential accommodation over. The density of the retail and food and drink outlets reduces in a westward direction with residential dwellings predominating at the western end of Tarrant Street.

RELEVANT SITE HISTORY

AB/80/12/	Demolition of existing store/workshop & construction of new store/workshop with pitched roof	ApproveConditionally 11-09-12
AB/11/09/	Change of use of existing workshop/storage building to	Refused

residential with remodelling - re-submission following
planning application AB/180/07/

06-04-09

Appeal: Dismissed
03-06-10

The principle of conversion to residential dwelling units is established in Tarrant Street with several retail units being previously converted. Indeed AB/23/19/PL granted permission earlier in the year for conversion of 67/69 Tarrant Street to residential.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environmental Health
Economic Regeneration
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection

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 and heritage advise.

Conservation Area Advisory Committee - No Objection.

This building is included in the Council's Local List and by reason of its design, form, and materials makes a positive contribution to the character and appearance of the conservation area. The existing shopfront is also an attractive feature in the streetscene.

If alterations are required to the shop front it is recommended that a condition be attached to any planning permission requiring the submission of precise details of any alterations proposed.

Given the local listing, location in a conservation area, and the presence of nearby Listed Buildings a condition should also be attached removing Permitted Development rights for external alterations including changes to fenestration.

Economic Regeneration Officer - No Objection

This application concerns a retail premises at the far western end of Tarrant street. It is surrounded by other residential properties and would be difficult to re-let as a retail outlet.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. No alterations are proposed to the shop front so precise details of the materials can't

be conditioned. Given that the proposal would create a flat it would not have permitted development rights and any extensions or alterations would require the submission of an application for planning permission. No restrictive condition is therefore required to be imposed.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Within Conservation Area
 Outside Town Centre Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

Arundel Neighbourhood Plan 2014 POLICY1: The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 2: A Spatial Plan for the Town

Arundel Neighbourhood Plan 2014 POLICY 14: Arundel Town Centre

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Arundel Neighbourhood Plan has been made and the relevant policies have been considered in the determination of this application. It is noted that Arundel has passed referendum and therefore has significant weight.

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 would have no impact upon the established character of the surrounding area, the appearance of the Conservation Area or the function of the town centre or primary shopping frontage.

Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 Conservation Area.

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

In this case, the key policies are D DM1, D DM4, RET SP1 and HER DM3 of the Arun Local Plan. Additionally, Policies 1 & 2 of the Arundel Neighbourhood Development Plan apply.

Arun Local Plan (ALP)

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Adaptability, Layout, Density and Scale.

Policy D DM4 sets out criteria against which applications relating to extensions and alterations of existing buildings will be assessed. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM3 states that consent will be granted for proposals that preserve or enhance the character and appearance of the Conservation Area.

Policy RET SP1 states that the hierarchy of Town Centres will be retained. Arundel is to maintain its existing role as a service centre providing both a range of shops and services for the local population and fulfilling a role as a tourist and visitor destination.

Arundel Neighbourhood Plan (ANP)

Policy 1 The Presumption in favour of Sustainable Development states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Policy 2 A Spatial Plan for the Parish states that the Plan requires future housing, economic and community-related development within the parish to be located in the town centre to bolster and build its role as a resilient town community.

Policy 14 Arundel Town Centre. The Plan designates a Primary and a Secondary Shopping Frontage, but the site does not fall within this area. This policy is not therefore relevant.

Emerging Arundel Neighbourhood Plan (EANP)

Policy AR1 Arundel Built Up Area Boundary

The Neighbourhood Plan defines the Built Up Area Boundary of Arundel, as shown on the Policies Map, for the purpose of applying policies SD SP2 and C SP1 of the Local Plan.

Policy AR4 Town Centre

The provisions of the Local Plan (Policy RET DM1) will be supported when considering proposals for the change of use along the primary and secondary shopping frontages in the town centre. Proposals for the temporary use of empty shop premises for start-up retail businesses or other forms of 'pop-up' shops in a designated Primary and Secondary Shopping Frontage will be supported.

VIABILITY AND IMPACT ON TOWN CENTRE

The most recent use of this shop was as a Dress Designers workshop and sales gallery. The shop is at the western end of Tarrant Street on the very edge of the shopping zone. The most recent use, although technically a retail use, was in reality a Service business, providing specialist goods to customers' specifications, so loss of this business would have no adverse retail impact. The building lies well beyond the primary and secondary retail frontages of the Arundel shopping area as defined in the Arun Local Plan.

The property has been empty since March since the occupant ceased trading, and the Applicants have employed an agent to market the premises to find a replacement tenant without success. A detailed account of the marketing has been submitted which concludes that the shop is too far beyond the traditional shopping area on Tarrant Street with a disjointed layout. The landlord has also been flexible on the lease terms and has been willing to agree a shorter lease term, reduced rent and incentives in order to let the property. To date this has still not helped with securing an occupier. There is no passing trade, and businesses at this end of the street generally acquire customers by recommendation or advertising.

The defined Town Centre Boundary extends approximately one third along Tarrant Street and excludes the application site. The defined Primary Retail Frontage extends to this same point along Tarrant Street ceasing on the eastern side of Brewery Hill Lane. The application site is outside of this designated area.

The premises are suitable for conversion to residential use given the building's location within Arundel and its proximity to local services, transport and community facilities. This together with the location of the property outside of both the primary and defined secondary retail frontages in Arundel, further supports the proposal for conversion to residential units. While Arundel is a busy and thriving niche shopping centre, there is no demand for premises this far from the centre of town.

The main policy considerations relating to retail units and their loss are outlined in policy RET DM1 of Arun Local Plan. However, this policy is not relevant to the consideration of this application as it applies to the reuse of redundant floor space to sites in locations not including that of the application site.

The only retail policy which applies to this application is RET SP1 Hierarchy of Town Centres which requires that Arundel maintains its existing role as a service centre providing both a range of shops and

services for the local population and fulfilling a role as a tourist and visitor destination. Given the location of these retail uses outside the boundary of the designated retail frontages, their loss would not significantly impact on this role. The National Planning Policy Framework (NPPF) para 85(f) recognises that residential development often plays an important role in ensuring the vitality of town centres.

In relation to the Neighbourhood Plan the proposal falls outside the area defined as town centre and is not designated as a primary or secondary retail frontage. Residential use would bolster the function of the town centre in accordance with policy 2A of ANP.

In terms of marketing, following the review of the current policies relating to the loss of retail space and the location of the premises outside of the primary and secondary retail frontages marketing is not a requirement, but has been undertaken.

HERITAGE ISSUES

The application does not include a Heritage Statement. A Design and Access Statement submitted does refer to heritage assets and the character of the area generally and the impact that the proposed changes would have on these assets in accordance with the requirements of the National Planning Policy Framework paragraph 189. The statement sets out the significance of the asset sufficiently to enable the assessment required under para. 190.

Whilst not Listed the application building does contribute positively to the character and appearance of the historic core of the town centre and the Conservation Area.

No alterations to the shop front are proposed. The alterations to the rear elevation are not significant and would simplify the elevational treatment and be sympathetic.

The changes to windows would not have a significant impact upon the character of the host property within the street scene, or the established character of the Conservation Area. The proposed alterations to the buildings will enhance the appearance of the building.

Therefore, the proposed alterations are considered to preserve the characteristics of the Conservation Area, and have no detrimental harm on the established character of the building or its locality in accordance with paragraph 90 of the NPPF. The proposed works are therefore deemed to be in accordance with HER DM3 of Arun Local Plan.

DESIGN AND VISUAL AMENITY

The concept of the change of use to residential accommodation is acceptable, as the majority of the buildings in the immediate area are also in that use. The alterations to the building are considered to be in keeping with the character of the building. The changes to the rear elevation would not be visible from the public domain and are acceptable. They would therefore accord with policies D DM1 and D DM4 of Arun Local Plan.

RESIDENTIAL AMENITY

The proposed alterations retain the same footprint as the existing building, with the exception of removal of the outside toilet, and are therefore not considered to result in any significant change in overbearing or overshadowing impact on neighbouring dwellings. There are no new openings that form part of this proposal, which is considered to preserve existing levels of privacy.

The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

With regard to internal space standards the proposal has a gross internal floor area of 53m² which meets

the (50sqm) requirements of a 1 bed 2 person unit as set out within the Nationally Prescribed space standards.

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

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:
Location, Block, Existing and Proposed Floor Plans,
Existing and Proposed Rear Elevation.

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 **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.