

Recommendation Report for Planning Permission

REF NO:	AB/120/20/PL
LOCATION:	Old Bank House 1 High Street Arundel BN18 9AD
PROPOSAL:	Change of use of existing building from office (Use Class E) to residential dwelling (Use Class C3) with minor internal layout changes. This application affects the setting of listed buildings, affects the character & appearance of the Arundel Conservation Area & is in CIL Zone 2 (CIL Liable) as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal will create 1 No. four bedroom house with a small courtyard to the rear. The dwelling will be formed converting the existing building most recently used as offices with minor changes to the design. Consideration has been given to maintain all existing windows and doors in order to facilitate the change of use. The internal layout will be altered slightly in order to make provision for the use as a residential dwelling. There is no car parking provision or vehicle access. A cycle store providing space for 2 cycles will be provided within the rear garden.
SITE AREA	177 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	56 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The premises is located on the back edge of the pavement.
SITE CHARACTERISTICS	The site is occupied by a large 4 storey building formally known collectively with no 1 as the Old Bank House. The building is finished with brickwork walls, timber sash windows with dormer windows on the top floor and a natural slate pitched roof.
CHARACTER OF LOCALITY	Town centre location comprising a mix of residential, retail, restaurant and commercial uses.

RELEVANT SITE HISTORY

AB/122/20/PD	Prior notification under Schedule 2, Part 3, Class O of the Town & Country (General Permitted Development	No Object'n + Conds 18-12-20
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(England) Order (as amended) for the change of use of the existing building from office (Class B1(a)) to residential dwelling (Use Class C3) with minor internal layout and external changes.

AB/9/15/CLP	Application for certificate of lawfulness for a proposed use - change of use from 1st, 2nd & 3rd floor offices to 2No. 3 bed flats	PP Not Required 30-03-15
AB/121/20/L	Listed Building Consent for internal alterations to facilitate the change of use of existing building from office (Class E) to residential dwelling (Use Class C3) .	ApproveConditionally 20-01-21

REPRESENTATIONS

Arundel Town Council - No Objection

Conservation Area Advisory Panel - Objection

Arundel is designated a Local Service Centre and the application site lies within the primary retail frontage for the purposes of Policy RET SP1 of Arun Local Plan. Policy EMP DM1, aims to protect existing employment sites, including B1 uses.

The mix of commercial, business, office, restaurant and retail uses at ground floor level within the historic core of the town is an essential part of its character, viability, vitality, importance as a service and employment centre for the local population, and as a visitor attraction. The change will impact adversely on the character of the Arundel Conservation Area and could set a precedent.

The Design, Access and Heritage Statement supplies no convincing evidence that any type of office use is no longer viable. In addition, this should also address whether or not retail or restaurant uses would be viable in this prominent location.

In the absence of any convincing evidence concerning the viability or otherwise of appropriate office, retail or restaurant uses, the proposals conflict with the Local Plan policies mentioned above.

In addition, it also conflicts with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to the protection of the character and economic viability of conservation areas.

COMMENTS ON REPRESENTATIONS RECEIVED:

Use of the premises for residential purposes would provide a supporting role in the vitality of the town centre. Paragraph 85 (f) of the NPPF refers to recognition that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

The agent has provided additional information in relation to marketing and viability.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Natural England - No Objection

Environmental Health - No Objection. Conditions requested.
 Conservation Officer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Other than construction hours the conditions requested have not been imposed. They are either onerous, covered by other legislation or unnecessary.

POLICY CONTEXT

Designation applicable to site:
 Listed Building
 Within Built Up Area Boundary
 Conservation Area
 Arundel Town Centre

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
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
RETSP1	RET SP1 Hierachy of Town Centres
TSP1	T SP1 Transport and Development

Arundel Neighbourhood Plan 2018-2031 AR7

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policy AR7 of Arundel Neighbourhood Plan is relevant and has been taken into account.

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 there would be no materially adverse effect on residential or visual amenity or the character of the area.

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.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 is not considered to materially affect the character or the setting of the Grade II Listed Building or the character and appearance of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/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 and the principle of conversion of the existing building to residential use is acceptable.

In this instance the main criteria against which the application will be assessed is as per policies D DM1, D DM4, DSP 1, EMP DM1, HER DM1, HER DM3 and HER SP1 of the Local Plan, the Nationally Described Space Standards, NPPF and policy AR7 of Arundel Neighbourhood Plan.

Policy D SP1 Design states that development has to be designed in such a way that it reflects its immediate setting in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 building, its neighbours and the locality.

Policy EMP DM1 (2) refers to protection of existing employment premises and sites.

Policy HER DM1 sets out criteria which proposals which affect Listed Buildings must meet in order to be acceptable. These include preservation or enhancement of the building and its setting. Policy HER DM3

seeks to ensure that development will only preserve or enhance the character of the Conservation Area or its setting. Policy HER SP1 states that planning permission will be granted for development that conserves or enhances the historic environment.

Policy RET SP1 of the Local Plan and Policy AR7 of Arundel Neighbourhood Plan support proposals to consolidate and strengthen the vitality and viability of Arundel Town Centre.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

There is little change in the impact of the proposal on visual amenity or, the character and appearance of the area given that the physical changes are largely internal. All doors and windows on the main street scene elevations are not altered by the proposed conversion.

The external changes included within this application relate to the installation of a cycle store to the rear and the removal of a storage building to the rear.

The site forms a prominent location along the main High Street and built up street frontage. The external changes included in this application would not detract from the appearance of the building and have no detrimental impact on the appearance or design of the building in compliance with relevant development plan policies.

The use as offices created activity and residential use would also provide a supplementary role in supporting the viability of the town centre.

LOSS OF EMPLOYMENT

The current owner purchased the property at auction in September 2020, there had been very little interest generated and viewings were poorly attended. The property has been let as offices on short term licenses with some of the offices now having been vacated. After purchase the new owner approached several agents with regard to letting the office space out to potential occupiers however they have advised there is very little interest in this type of accommodation within the High Street. Since purchase occurred at a time when town centres are not frequently visited and home working has increased this is not surprising. This application relates to part of the premises. The other section of the premises 'Old Bank House', which is not listed, has recently received permission to convert to office use under permitted development rights. There is therefore the opportunity for some of the former offices to be used for residential purposes which reduces the offer available in this part of the town centre and could result in an increase in demand for the remaining unit in the future.

Policy EMP DM1 (2) seeks to protect existing employment sites and premises where there remains a reasonable prospect of employment use. It requires for it to be demonstrated that the site is no longer required and is unlikely to be reused or redeveloped for commercial purposes. This should include clear demonstration of marketing and viability appraisals. The Council will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative uses have been fully explored.

Accordingly the agent has provided additional marketing and viability information.

Prior to the applicant purchasing the buildings the office use was advertised through a dedicated website. This website is still active and has been used by the current owner to market the serviced offices. Prior to the purchase the office space was only 50% occupied which was considered to be the normal within the 6 months up to the auction date. Therefore, in the last year the offices have never been more than 50% occupied with gradual declines over the last 6 months. Since the applicant has owned the buildings the various existing tenants have given notice to terminate their lease and the building is now vacant with no interest parties wishing to look or take up new tenancies. The property is continually being advertised

on the dedicated website and there is also advertisement outside the premises. The current owner has had no formal emails, phone calls or letters expressing any interest in the serviced offices within the last 4 months since purchasing. The offices are now 100% vacant. The report confirms there is little interest and that the focus is now on providing exceptionally high quality office accommodation out of town as the current serviced offices have been historically let to people with no connection with the business activities of Arundel. It was apparent that a large office space such as this, even with considerable investment to bring it up to the current standard, may not ever be able to reach full occupancy. It is evident that the existing office use is now redundant and cannot be sustained.

The advice contained within the viability report clearly concludes that the remaining ground floor office space is unlikely to attract any future occupiers due to the size, configuration and facilities being offered. The size would mean that it is unlikely each room could accommodate more than one person.

It also takes into consideration the current economic climate and the condition of the building and its constraints as a listed building.

The proposal does accord with this policy since the lack of interest has been evidenced and quantified by the necessary appraisals.

RESIDENTIAL AMENITY

The unit is surrounded by other development, but the location of the unit reflects the tight grain of other development in the locality and similar interrelationships are present to other units in High Street.

No additional windows are proposed and the impact of overlooking would not be altered by the proposed conversion. The unit has access to external amenity space area measuring ...m wide by 3.8m at its minimum depth.

The emerging Arun Design Guide requires amenity spaces to be of an appropriate size and shape to be usable and enjoyable with balconies having a minimum of 3sqm of usable space clear from door swings and be able to accommodate a table, chairs and space for planting. The courtyard area complies with this guidance.

The proposal would provide have no materially adverse impact on the residential amenity of neighbouring properties or future occupiers and therefore accords with policy D DM1 of Arun Local Plan.

INTERNAL SPACE STANDARDS

In terms of the residential amenity of occupiers the proposal accords with the Nationally Described Space Standards. The internal layout provides a 4 bedroom house.

A three storey, 4 bedroom unit requires 117 sqm floor area for 8 person occupation. The internal floor area is 310 sqm. The proposal therefore provides satisfactory living environment for permanent occupation.

HIGHWAYS AND PARKING

Policy T SP1 states that the Council will ensure that development promotes sustainable transport and that it is designed to reduce the need to travel by car. Arun's adopted parking standards require for provision of one space.

No parking provision is provided for the development, but this is a unit in a sustainable town centre location with easy access to public transport in the form of bus services and a nearby railway station. Cycle parking is proposed to be controlled by condition.

Notwithstanding the fact that no parking is provided and in light of the above the proposal would accord with policy TSP1 of Arun Local Plan in this respect.

IMPACT ON TOWN CENTRE

The site is located within Arundel town centre behind the Primary Retail Frontage. The proposal would provide an additional residential unit capable of long term permanent occupation which would support the vitality and viability of the town centre in accordance with policy RET SP1 of Arun Local Plan and Policy AR7 of Arundel Neighbourhood Plan.

IMPACT ON HERITAGE ASSET

The application includes a heritage statement (within the Design and Access Statement) in accordance with Paragraph 189 of the NPPF which requires applicants to describe the significance of any heritage assets affected. The level of detail should be proportionate to the asset's importance. Paragraph 190 states that Local Planning Authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking into account any necessary expertise. The comments of the Conservation officer have been sought. There is no conflict between the heritage asset's conservation and any aspect of the proposal as set out below.

The building the subject of this application is Listed and is of high architectural merit. Given that the external changes to the building are minimal they would result in less than substantial harm to the Listed Building and its setting. This harm when weighed against public benefits is acceptable. The proposal to create a 4 bed unit of accommodation secures its optimum viable use in accordance with para 196 of the NPPF.

The proposal will sustain and enhance the heritage asset and put it to a viable use consistent with its conservation and maintenance in the long term. It preserves important elements of the building such as windows and doors which is supported.

The building is readily visible within the conservation area and has a positive impact on the character or appearance of the area. There is therefore less than substantial harm to the heritage asset and the proposal ensures its conservation and accords with para 193 of the NPPF which states that great weight should be given to the heritage asset's conservation.

The proposal does not therefore adversely impact on the conservation of the heritage asset or its setting or result in harm and therefore accords with policies HER DM1, HER DM3 and HER SP1 of Arun Local Plan and the NPPF.

There is an associated Listed Building application reference AB/121/20/L awaiting determination.

CONCLUSIONS

The application is therefore 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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:
Proposed Floor Plans 06A
Proposed Site Plan 03A
Block Plan 02A
Site Location Plan 01A
Proposed Floor Plans 200042 06
Proposed Site Plan 200042 03
Existing third floor plan, roof elevations 200042 05
Existing Floor Plan 200042 04

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 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 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.