

Recommendation Report for Planning Permission

REF NO: AB/15/18/PL

LOCATION: Longmace House
8A The High Street
Arundel
BN18 9AH

PROPOSAL: Part change of use from business (A2 Financial & Professional Services) to residential use (C3 Dwellinghouse) on part ground, 1st & 2nd floors. This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A part change of use of ground floor from class A2 to C3 (residential). The ground floor change of use relates only to the part of the building that fronts onto Mill Lane. The remainder of the ground floor will be retained for Sims Williams Estate Agents.
	At first and second floors a change of use is proposed to create a single 2 bedroom flat. These proposals will not result in any external alterations tot he building. Internally, the use will retain all existing walls and openings and will be identical to plans approved in 1994 for a residential use.
SITE CHARACTERISTICS	Narrow fronted three storey building. The second floor is contained within the roof space and there is a single dormer window on the Mill Lane frontage
CHARACTER OF LOCALITY	Arundel Town Centre with a large number of listed buildings and commercial uses at ground floor.

RELEVANT SITE HISTORY

AB/96/94/L	Application for Listed Building Consent for re-opening of old doorway to form single shop on ground floor.	ApproveConditionally 28-10-94
AB/8/04/	Change of use from retail shop to Estate Agents Offices	ApproveConditionally 24-03-04
AB/82/94	Reversion of upper floors to residential (former offices) and single shop on ground floor	ApproveConditionally 07-10-94

Permission was granted in 1994 under AB/82/94 for the upper floors of the property to revert to residential use. From inspecting these approved plans, it is clear that the current proposals do not involve any further internal alterations to those previously approved in 1994, when the building was a listed building.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Arundel Town Council - no objection

CAAC - No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Economic Regeneration

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - no objection in principle for this partial change of use. It is recommended that this application be approved in principal.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
(NOT REQUIRED FOR CLE/CLP)

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
AREA20	Arundel Shopping Frontage
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

HER DM1 Listed Buildings

HER DM3 Conservation Areas

Arundel Neighbourhood Plan 2014 POLICY1:	The Presumption in Favour of Sustainable Development
Arundel Neighbourhood Plan 2014 POLICY 14:	Arundel Town Centre
Arundel Neighbourhood Plan 2014 POLICY 3:	Housing Supply

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification.

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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 would have no materially adverse effect on the visual amenities of the locality nor would it have an adverse impact upon the established character of the surrounding area and would not lead to the loss of an A1 unit.

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

The proposal relates to the change of use of a small part of the ground floor from commercial (A2) to residential (C3) and the change of use of the upper floors also from commercial to residential.

The extent of the change of use at ground floor is relatively limited in order to provide an access to the residential use. Policy 14 of the Neighbourhood Plan states that proposals for the loss of retail uses (A1) at ground floor within the defined primary shopping frontages will be resisted. The proposal does not result in the loss of a ground floor unit as the current use of the premises is A2. Further, the frontage to the High Street remains unaltered.

The proposals at ground floor are not contrary to Arun Local Plan policy AREA20 as Mill Lane is not included within the Arundel Shopping Frontage in this Plan.

Therefore the proposals accord with the development plan.

The proposals need to be considered against the development plan as a whole as well as against the policy requirements of the NPPF.

The principle of residential uses at upper floors would accord with development plan policies and the NPPF. As a residential unit within the built up area and within an existing building located within the town centre, the proposed use would be a highly sustainable form of development where the presumption in favour would apply (paragraph 14). Further, there have been previous approvals for residential uses at upper floors.

Paragraph 23 of the NPPF recognises that residential uses can play an important role in ensuring the vitality of centres. Paragraph 51 also confirms that planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

As there are no internal or external alterations proposed to the structure of the building, no assessment against the significance of the heritage asset is required.

If commercial uses were retained at ground floor, there would be no way of gaining access to the upper floors and a highly sustainable form of development would not be able to proceed. Any proposal must be weighed against whether there is any demonstrable harm, the need to approve sustainable development and the priority to secure the long term use of the listed building.

The residential use on upper floors is supported within the built up area boundary and there is no objection to these uses.

Policy HER DM1 of the emerging Local Plan supports the alternative uses for listed buildings if the structure and character are preserved. As no structural internal alterations are proposed, the proposals are in accordance with this policy. The use is also an appropriate use within the Conservation area in accordance with emerging policy HER DM3.

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). 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 neutral 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).

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:

LM 2/1A Block Plan

LM 1/01A Ground Floor Proposed Layout

LM 1/02A First Floor Layout

LM 1/03A Second Floor Layout

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District 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.