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

REF NO: AB/16/18/L

LOCATION: Longmace House
8A The High Street
Arundel
BN17 9AH

PROPOSAL: Listed building consent for the part change of use from business (A2 Financial & Professional Services) to residential use (C3 Dwellinghouse) on part ground, 1st & 2nd floors.

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. Internal alterations are kept to a minimum.
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/4/78/LB	Conversion Of Existing First And Second Floors To Form Maisonette Dwelling For Holiday Accommodation	ApproveConditionally 10-05-78
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

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. Further, there are no significant internal structural alterations proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Arundel Town Council - Objection. Insufficient information available to determine whether the works would preserve or enhance this heritage asset.

Conservation Areas Advisory Committee - No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

From inspecting the planning history files, it is clear that the internal arrangement is identical to that previously approved and will result in no significant structural alterations internally. Further, no external alterations are proposed.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - In principal, there is no objection to the change of use. However, there is insufficient detail to properly comment on this application. It is therefore recommended that this application be refused.

COMMENTS ON CONSULTATION RESPONSES:

Noted. However, for the reasons set out above it is clear that the proposals do not result in significant internal alterations.

POLICY CONTEXT

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2 Conservation Areas

Publication Version of the Local Plan (October 2014):

HER DM1 Listed Buildings

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 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. 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.

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.

There are no relevant policies that relate to listed building consents in the Arundel Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & 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 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.

Previous approvals have granted planning permission and listed building consent for the same proposals that are contained within this application.

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

the requirements of emerging policy HER DM1.

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 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.