

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

REF NO: AB/38/15/L

LOCATION: 12 High Street
Arundel

PROPOSAL: Application for listed building consent to reinstate staircase from ground floor to first floor.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks Listed Building Consent for works to a Grade II Listed Building. The works proposed are internal and would reinstate original stairs leading to first floor level. These would be located centrally between the shop and showroom area.

The Listed Building has been the subject of previous consent for conversion of the existing first and second floors to showroom area to serve the existing ground floor shop. The ground floor store was to be converted to part of the showroom and the building to the rear to become a workshop. AB/24/14/L refers and the present proposal is in effect additional to that scheme.

SITE AREA

N/A

TOPOGRAPHY

The site is predominantly flat, although is located on land which rises north westwards.

TREES

No trees are affected by the proposed development.

BOUNDARY TREATMENT

Site frontage is located on back edge of pavement. Boundaries are brick walls and fencing.

SITE CHARACTERISTICS

Mid terrace 3 storey property. White painted elevations. Plain clay tile roof. Currently empty. Ground floor previous use retail. Book shop to south and bank to north.

CHARACTER OF LOCALITY

Town centre location. Retail/commercial uses at ground floor and residential/commercial uses above. Historic core of the town characterised by mainly terraced properties of 3 storey height.

RELEVANT SITE HISTORY

AB/117/96/L	Application for Listed Building consent for a painted wall sign	Approve 11-12-1996
AB/6/97/L	Application for Listed Building Consent for alterations to upgrade store and provision of w.c. within.	ApproveConditionally 05-03-1997
AB/41/03/	Change of use from offices to two s/c flats - 1 x 2/3 bed. and 1 x 1 bed.	ApproveConditionally 06-05-2003
AB/83/03/L	Application for Listed Building Consent for alterations for the change of use from offices to 2 no. S/C flats (1no. 2/3 bed and 1 no 1 bed flat)	ApproveConditionally 29-07-2003
AB/155/07/	Variation of condition 1 on application AB/41/03 for the conversion of existing offices into a one bed flat and a 2/3 bed flat - to extend permission for a further 2 years	ApproveConditionally 26-11-2007
AB/49/08/L	Application for Listed Building Consent to fix new gas meter box to external wall in passageway	ApproveConditionally 30-05-2008
AB/23/14/PL	Change of use of Flats 1 & 2 from domestic residential (C3 Dwelling House) to commercial use (A1 Shops). This application affects the character and appearance of the Arundel Conservation Area.	ApproveConditionally 30-04-2014
AB/24/14/L	Application for Listed Building Consent for the change of use of Flats 1 & 2 from domestic residential (C3 Dwelling House) to commercial use (A1 Shops).	ApproveConditionally 16-05-2014
AB/21/15/DOC	Application for approval of matters reserved by condition imposed under AB/24/14/L relating to conditions 2, 3, 4 & 5 for a sample panel, Method Statement for repairs, Method Statement for cleaning of timber floors & details of new staircase.	DOC Part Approved 23-04-2015

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REPRESENTATIONS**Representations received:**

Arundel Town Council

Arundel Town Council raises no objection.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

The Historic Buildings Advisor (HBA) raises No Objection on the basis that there is no harm to the Listed Building and that the staircase is a reinstatement. The HBA requests a condition requiring detailed drawings of the staircase.

The Council's Conservation Officer considers that the proposal will not affect the Conservation Area as the works are purely internal.

The Conservation Area Advisory Committee raises no objection.

Comments on Consultation responses:

The HBA's comments will be addressed by imposing the requested condition.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Listed Building, Grade II

Conservation Area

Adjoins Listed Buildings

Town Centre (Emerging Local Plan)

Retail - Primary (Emerging Local Plan)

Class C Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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

HER DM1 Listed Buildings

[Arundel Neighbourhood Plan 2014 POLICY 14:](#) Arundel Town Centre

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

ADS

The Arundel Design Statement by Arundel Town Council

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Arundel has a Made Neighbourhood Plan (ANP). The ANP Proposals Maps designate the site as being Within the Town Centre and as part of a Primary Retail Frontage.

Relevant Objectives & Measures of the ANP are:

1. To maintain and enhance the nationally and locally important heritage assets and special character of the town and its setting:

- Conflict between the conservation of a heritage asset and any aspect of a development proposal should be avoided or minimised
- Buildings and structures of special character offered greater protection from development

4. To sustain a thriving town centre offering a range of goods and services to the local community and visitors:

- Continued dominance of local retail and service provision in the town centre
- Increase in offices and cultural sector businesses

Relevant policy is:

Policy 14: Arundel Town Centre

The Neighbourhood Plan designates a Primary and a Secondary Shopping Frontage, as shown on the Proposals Map, and in those frontages it will:

- i. support proposals for new retail (A1) development in new or existing frontages; and
- ii. resist proposals for the change of use of an existing retail (A1) premises in the Primary

Shopping Frontage to any other use until such a time that the number of A1 uses in the Primary Shopping Frontage comprises at least 80% of the total number of A1-A5 units.

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 only Arun policy relating to this proposal is within the Emerging Local Plan. This plan has been submitted for Examination and Examination has commenced. The Plan and its policies can therefore be accorded some weight. Policy HER DM1, Listed Buildings states:

Proposals affecting statutory Listed Buildings will be required to:

- a. Preserve or enhance the historic character, qualities and special interest of the buildings;
- b. Be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior;
- c. Protect the architectural and historical integrity and detailing of a Listed Building's interior;
- d. Protect the special interest of buildings of architectural or historic interest; and
- e. Protect, and where possible enhance the setting of the building.

The internal alterations proposed comprise the reinstatement of a former staircase to the first floor. Previously, much of the first floor has been subdivided with secondary partitions and late additions, historic detailing has previously been removed.

The reinstated staircase will have a limited impact on the architectural integrity of the listed building. It is not considered that any significant harm to the Listed Building is caused. The proposal is therefore consistent with Policy HER DM1.

The proposal, in the absence of harm to the Listed Building is also consistent with the NPPF, with NPPG and also with the ANP, since it also contributes to vitality and viability within the town centre by improving accessibility with business premises.

It is therefore recommended that Listed Building Consent be granted with 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 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 (negative, Neutral or positive) 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 works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The development hereby approved shall be carried out in accordance with the following approved drawing:

Drawing Number 13509/04 - Dated May 2015

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with policy HER DM1 of the Arun Local Plan 2011-2031, the National Planning Policy Framework and National Planning Practice Guidance.

- 3 No works shall take place unless and until detailed drawings of the staircase hereby approved, including design, appearance and materials have been submitted to and approved by the Local Planning Authority and the staircase shall be provided and positioned in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with policy HER DM1 of the Arun Local Plan 2011-2031, the National Planning Policy

Framework and National Planning Practice Guidance.