

Recommendation Report for Planning Permission

REF NO:	AB/48/19/PL
LOCATION:	Sparks Yard 18 Tarrant Street Arundel BN18 9DJ
PROPOSAL:	Change of uses to form an upper floors single, four bedroomed residential unit (use class C3a) & a ground floor commercial unit (use classes A1, A2 and B1a), together with all associated works. This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to increase the uses of the ground floor of the premises to include professional and office uses as well as the existing retail use. The upper two floors which are focused on Sparks Yard are to be converted to a 4 bedroom dwelling. The physical works proposed include the following: · Change of use of two floors · Various internal alterations. · Retail/office uses on the ground floor. · Blocking up of openings for three windows and a door. · Insertion of two rooflights. · Creation of a new opening to access the lift motor room. · Works to the boundary wall. The application is supported by an Economic Development Statement and a Heritage Statement. Since the application was originally received revised plans have been submitted which show: · Further information/clarification regarding the proposed revisions to the existing boundary wall between the application site and the adjacent 18A Tarrant Street. · Removal of previously proposed plasterboard faced, insulated internal wall linings to the upper two floors of the building.
SITE AREA	0.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwellings per hectare.
BOUNDARY TREATMENT	Property is located on the road frontage.
SITE CHARACTERISTICS	The property is three storeys with a 2 storey lean-to section at the east end. It is constructed of a double gabled slate roof, red brick with contrasting yellow/red brick decorative courses,

segmental arches and surrounds to windows and a brick modillion eaves cornice. The windows are sliding sash with glazing bars.

The ground floor has an arcaded front with five archways, the central one being taller with a keystone to its arch. At the west end a larger arch with stone keystone has a double wooden garage door. The lean-to section at the east end has been altered to an arched entrance to match that at the west end, leading to a flight of brick steps.

CHARACTER OF LOCALITY

Edge of town centre location. Tarrant Street contains a mixture of retail and residential uses. All of the properties front directly onto the pavement/road, and are faced with a mixture of render, brick and flint.

RELEVANT SITE HISTORY

AB/49/19/L	Listed building consent for internal and external alterations to facilitate the change of use of upper floors to a single, four bedroomed residential unit and ground floor to a commercial unit (use classes A1,A2 & B1a).	ApproveConditionally 26-09-19
AB/84/13/L	Application for listed building consent, for the change of use, of part of the building, from office use CB1 businesses, to food related CA3 restaurants and cafes, and the installation of new external doors to the northern elevation.	ApproveConditionally 19-09-13
AB/83/13/	Change of use of part of the building from office use (B1 businesses) to food related retail (A3 restaurants and cafes) and the installation of new external doors to the northern elevation.	ApproveConditionally 30-09-13
AB/13/03/	Change of use of upper ground, 1st and 2nd floors to 4 no. residential apartments.	ApproveConditionally 01-04-03

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Arundel Town Council

Objection:

- There would be significant alterations to a historic building.
- The continual erosion of retail uses would undermine the vitality and viability of Arundel's shopping experience and unless there is robust financial evidence that the use of the premises is no longer viable for a commercial use and that the property has been on the commercial market to let/sell for a period of time without success the application should be refused.

One Objection:

- The external appearance of this historic building will be changed to suit the planning requirements.
- Additional noise and potential damage to nearby properties during the course of development.
- Further residential units will require additional parking places in an already congested area where free parking is already at a premium.
- Ideally this building should have one function with the minimum number of vehicle users.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is supported by an Economic Development Statement which outlines the reasons for closure of the previous retail use which included its viability. However, the proposal is not subject to local plan policy requiring viability and marketing information.

The site is not located within the defined Arundel town centre boundary and is not a Primary or Secondary retail frontage as defined in the Arun Local and Neighbourhood Plans.

Policy RET SP1 'Hierarchy of Town Centres' of the Arun Local Plan only applies and requires town centres to be maintained and supported in their role of providing retail, commercial, tourism and residential development. Policy RET SP1, therefore, does accept that residential uses are a component of town centre uses.

The works to the Listed Building are not considered to result in harm to the character of the building and has already been approved by application reference AB/49/19/L.

Even though the Town Council have objected to the proposal the application does not need to be determined by Development Control Committee since it falls within the scheme of delegation as clarified in paragraph 14 of the Report to Development Control Committee on 16th January 2019.

CONSULTATIONS

Economic Regeneration
Conservation Officer
Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Conservation Officer.

No Objection:

- The change of use will not harm the property as it will ensure that it remains well maintained and in continued use.
- The property has already been altered internally. The proposed plans involve alterations to modern features, along with the provision of a number of new internal walls to provide for the bedrooms etc.
- The proposed layout allows for the top floor to remain open plan, and similar to the existing layout and former warehouse character. It also maintains the existing roof void.

- The alterations to the middle floor allow for modern day living, whilst creating a spacious layout.
- Covering internal brick walling with plasterboard should be reconsidered.
- More information should be submitted relating to the works to the curtilage wall.
- The removal of all damaging drainage pipework from the western elevation will have a positive impact upon the appearance of the building.

The application is not considered to cause harm to the significance of the heritage assets or the setting of the neighbouring assets. Account should be taken of the contents of section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Economic Development Officer. No Objection.

County Highways - No Objection.

- A nil car parking provision is proposed for the new apartment and retail. Under the WSCC car parking standards a maximum of 4 car parking spaces for retail and 2 parking spaces for the apartment would be required for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety.

- The site is located in a sustainable location within walking and cycling distance to a range of public services, amenities and employment options. Bus and rail links provide a realistic travel opportunity for longer trips.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The proposal is compliant with section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 since it preserves the appearance of the Conservation Area.

Works to the boundary wall have subsequently been satisfactorily clarified.

The plasterboard faced, insulated internal wall linings to the upper two floors of the building have been removed from the application.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Within Conservation Area

Grade 2 Listed Building

Outside Town Centre Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

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.

The Arundel Neighbourhood Plan has been made and the relevant policies have been considered in the determination of this application.

Arundel has an emerging Neighbourhood Development Plan, of which Policy AR1 is relevant. The emerging plan has undergone a consultation exercise and has passed examination. It will now proceed to referendum. The policies within the emerging plan now have some weight and have also been considered.

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 not adversely affect the character of the area or residential amenities of adjoining properties.

Where the building is located in a Conservation Area, Section 72(1) of the Planning (Listed Buildings & 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 building is a Listed Building and Section 66(1) states when considering whether to grant permission for development which affects a listed building or its setting, the LPA should have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

The proposal is considered to comply with these criteria in that it would not 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

PRINCIPLE

The proposal is located in a residential area on the edge of the town centre, within the built up area boundary of Arundel. The area is well served by local bus services and located close to the town centre and existing main shopping area. All other associated public car parking and local community facilities are also within close proximity. As such, the proposal is considered to comply with policies SD SP1 and SD SP2 of the Arun Local Plan.

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 as well as policy AR 1 of the emerging plan which has now undergone examination.

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 and alterations to existing buildings should be sensitively designed, traditional features retained, unsympathetic features removed, historically significant boundaries and elements retained and important views within the Conservation Area retained.

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.

For information purposes only Policy 14 (Arundel Town Centre) designates a Primary and a Secondary Shopping Frontage. The application site does not fall within it so this policy does not therefore need to be addressed.

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.

VIABILITY AND IMPACT ON TOWN CENTRE

The site is not located within either Arundel's designated town centre or primary or secondary retail areas designated in the Arun Local Plan.

It was used as an office and studio for an architects practice until Sparks Yard General Store began business in 2003, partially occupying the building. It started with the ground storey and within 12 months expanded to also occupy the second storey, as the architects office contracted. The building was jointly occupied until 2012, when the practice left the building.

The Economic Development Statement submitted with the application states that trading in the first few years was successful, but became increasingly difficult. Costs dramatically increased and margins were becoming squeezed. In 2012 a decision was made to further expand the store into the third storey accommodation and add a restaurant. The third storey was subsequently opened as 'The Loft', an ancillary restaurant to the main retail use.

Despite the success of the restaurant, margins both within the store and in the restaurant continued to be squeezed. For the last five years of its operation, as both internet sales grew, operating costs increased and Arundel's fringe retail area (westwards along Tarrant Street from Bakers Arms Hill) all but disappeared.

To begin with Sparks Yard was located between a number of retail and business premises in this fringe area. Now that most have been converted to residential use it removed any form of continuous commercial frontage and Sparks Yard became part of a residential area. The company traded until the New Year this year, following an indifferent Christmas trading period, and then closed.

This applicant believes that a business is only viable on a reduced scale at Tarrant Street level. The application therefore includes the retention and expansion of the ground floor business accommodation.

The defined Town Centre Boundary and Primary Retail Frontage extends approximately one third along Tarrant Street ceasing on the eastern side of Bakers Arms Hill. The application site is outside of these designated areas.

There are a small number of retail units located along Tarrant Street in close proximity which have been converted to residential use as well as a clinic and a gallery. Permission was recently granted for conversion of retail unit to 2 x 2 bedroom flats at 67/69 Tarrant Street (AB/23/19/PL). This is further evidence of the lack of demand for retail units within this location.

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.

The only retail policy which applies to this application is Arun Local Plan policy 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 its 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 2 of the adopted Arundel Neighbourhood Plan and policy AR1 of the emerging plan.

PARKING

Whilst there is no parking provided with the proposal the site is sustainably located and the proposed residential use needs to be contrasted against the previous approved commercial use which did not benefit from off street car parking and would have generated a greater parking requirement than that proposed by this application. In addition a lack of car parking would not adversely affect highway safety as the area operates a strict on street car parking regime. The Highway Authority do not object on highway or parking grounds. The proposal accords with policy TSP1 of Arun Local Plan.

RESIDENTIAL AMENITY

There are no external alterations to the elevations of the building which would impact on the residential amenity of adjacent occupiers by reason of overlooking and no extensions are proposed which would alter the bulk or position of the building in relation to adjoining residential boundaries. The garden is existing and activity levels associated with the residential use instead of a commercial use are likely to be reduced. The impact on adjoining residential properties is therefore considered to accord with policies D DM1(3) and D DM4(c) of the Arun Local Plan.

Through conversion the application results in the creation of a 4 bedroom dwelling within the upper floors of the premises. The total gross internal floor area of approx. 290 sq. m exceeds the internal space standards of 124 sq. m referred to in the Nationally Described Space standards for a 6 person 4 bedroom house.

IMPACT ON THE LISTED BUILDING

The proposal creates a large 4 bedroom dwelling with a private garden. This retains the building's 'open characteristics' as an originally designed warehouse. It seeks to retain as much of the character and detail of the listed building as possible. This detail has been preserved through the previous changes of use, largely as a result of the high flexibility of the building's 'open floor' warehouse format, very little variation to the building's structure and fabric have been required. It has retained the original utilitarian character both externally and internally. The proposals within this application adopt a similar approach. The design aim has retained many of the existing valuable elements of the building and characteristic open feel of the building, especially in the third level, where currently all roof trusses are exposed.

The proposals would contribute to continued use of the premises. The alterations would respect the character, appearance, design and historic fabric of the building in accordance with paragraph 190 of the NPPF. Alterations have been justified and it is acknowledged that a suitable use will be achieved for the property. As such the impact on the heritage asset would be neutral and without harm.

The application includes a Heritage Statement which ensures accordance with paragraph 189 of the NPPF as well as Local Plan HER DM1 and the improvements proposed would seek to ensure the preservation and enhancement of listed building in accordance with Para 193 which requires great weight to be given to the asset's conservation.

The building is a Listed Building and Section 66(1) requires the LPA to have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses. The proposal is considered to comply with these criteria in that it would not materially affect the character of the Grade II Listed Building.

IMPACT ON VISUAL AMENITY AND THE CONSERVATION AREA

The Heritage Statement refers to the impact that the proposed changes would have on the heritage assets in accordance with the requirements of the National Planning Policy Framework (NPPF) paragraph 189. The statement sets out the significance of the asset sufficiently to enable the assessment required under para. 190 of the NPPF.

As well as being Listed the application building contributes positively to the character and appearance of the historic core of the town centre and the Conservation Area. The proposed changes to the building would not harm the character of the host property within the street scene, or the established character of the Conservation Area.

The proposal pays special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area and therefore accords with Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. The application building is the largest and most prominent building within the Tarrant Street Streetscape. None of the elements of the building proposed to be altered are visible from either Tarrant Street or any other part of the town from where the building is significantly visually evident. The building's overall form is not changed.

The only change to the south (Tarrant Street) elevation is the reopening of the two side-hung timber service doors in its western part. These doors were sealed in circa 1994 and are now proposed to be opened up, to provide an access lobby to the reconfigured ground floor commercial unit. The east elevation remains the same except for the addition of a personnel access door to the existing lift motor room. The North (Sparks Yard) elevation remains as existing, whilst some works are proposed to the west elevation. This elevation, forming the boundary with 18a/18b Tarrant Street requires modification to accommodate works required to those now amalgamated buildings, in order to create a revised main access canopied stairway (subject of a separate application).

The application proposes that 3 existing windows and 1 external personnel access are closed and infilled with brickwork to match that surrounding the existing openings. It is also proposed to remove all redundant drainage pipework from this elevation and to add 2no. conservation roof lights in the central 'roof valley' of the building. These south wing roof lights are visually concealed from all surrounding parts of the town. The existing Kitchen extract flue at the western end of this valley will be removed.

Materials, details and finishes will need to be of a high standard, appropriate to the age of the buildings and their location within a Conservation Area. In accordance with the Conservation Officer's advice a condition has been imposed on the Listed Building consent (reference AB/49/19/L) requiring the submission of precise details of new brickwork, mortar, entrance screen, balustrading and door.

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 policies D DM1, DDM4 and HER DM3 of Arun Local Plan.

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 Plan A6001-01

Block Plan A6001-02

Site Plan A6001-03A

Existing and Proposed Street Level Floor Plan A6001-04

Existing and Proposed Ground Floor Plan A6001-05A

Existing and Proposed First Floor Plan A6001-06A

Existing and Proposed Roof Plan A6001-07

Existing and Proposed Cross Sections A6001-08A

Proposed North and part East Elevation A6001-09

Proposed South Elevation A6001-10

Proposed West Elevation A6001-11

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided and retained in perpetuity in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy T SP1 of the Arun Local Plan and to provide alternative travel options in accordance with current sustainable transport policies.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.