

Recommendation Report for Planning Permission

REF NO: AB/50/19/PL

LOCATION: 18A Tarrant Street
Arundel
BN18 9DJ

PROPOSAL: Proposed part change of use (Class C3a) to form a single residential unit from two existing separate buildings. One building currently mixed use (part C3a & part A1) & the other residential (class C3a). Limited external works demolition boundary wall & external stairway - This application affects the character and appearance of Arundel Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks to combine two properties to form one single 4 bedroom family house with access from Tarrant Street.

The existing external stairway is to be reinstated to its original access use. The ground floor of 18b is to be re used as a new 'entrance vestibule' to the house and the first floor apartment in 18a will be integrated to the house as bedroom no.4, albeit it is physically separated by the canopy from the rest of the house.

The changes comprise the following:

Externally

- Relocation of the existing front door of 18b further into the building in order to create a safe external entrance lobby when entering and leaving the house.
- Replacement of the existing external door on the north elevation of 18b.
- Reconfigured entrance stairway at upper levels by the introduction of a half landing.
- Reduction in height of the existing brickwork screen wall on the western side of the existing stairway to the level of the half landing serving the fourth bedroom.
- The construction of a brickwork planter to match existing adjacent boundary walls.
- Creation of a glazed walkway canopy over the lower section of the stairway.
- Demolition of a section of the existing boundary wall.
- Creation of a new front access door in the south elevation of building 18a.
- Close two existing window openings and one door opening to building 18a in order to complete the new boundary location

with building 18a.

Internally

- Fit out of entrance vestibule with family storage.

SITE AREA

0.04 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 25 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

2m high brick walling

SITE CHARACTERISTICS

Narrow 2 storey property. Wide external stairway at the rear.

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/110/80	Change Of Use Of Architects Office To Private Dwelling	ApproveConditionally 18-10-80
AB/115/80	Change Of Use From Architects Office To Craft Workshop For The Repair Of Antique Furniture	ApproveConditionally 12-11-80
AB/117/80	Permission To Use The Building For Offices Not Restricting To Architects Only	ApproveConditionally 12-11-80
AB/116/80	Change Of Use From Architects Office To Photographic Or Artists Studio	ApproveConditionally 12-11-80
AB/124/90	Change of use from office accommodation to restaurant/ wine bar	Refused 07-01-91

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Objection

In relation to the loss of the A1 unit, on the grounds that the continual erosion of retail uses would undermine the vitality and viability of the Arundel's shopping experience and, thus, without robust evidence that the use of the A1 premises is no longer viable for a commercial use, the application should be refused.

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.

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

Environmental Health

Economic Regeneration

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection. The application is not considered to cause harm to the significance of the heritage assets or the setting of the neighbouring assets.

The property is located within the Arundel Conservation Area and is very closely related to a listed building (Sparks Yard 18 Tarrant Street) which is a grade II Listed Building. The property itself is identified within the listing description as being furniture repository. There are also a number of other listed and locally listed buildings in close proximity to the property. For example number 43-57 (odd numbers) Tarrant Street; 2,4,6 Bakers Arms Hill, Bakers Arms Hill Cottage; and 25, 17,29, and 31 Maltravers Street are all Listed buildings. Numbers 16a, 20, 22, 24, 26, 28 and 30 are locally listed buildings or structures of character.

One of the principal attractions of Arundel is its wealth of buildings representing architectural form and style through progressive periods, which form a cohesive and contained hillside town.

Tarrant Street is an attractive street carved into the hill side. It 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. The property itself is an attractive two storey structure which is located to the rear of the Sparks Yard building, in an area similar to a courtyard. It has a pitched roof with a number of rooflights. The relationship with the neighbouring Sparks Yard building plays an important element of its significance.

The character of the building is such that the proposed change of use will not harm the property, in fact it is a use that will most likely ensure that it remains well maintained and in continued use.

The concept of the canopy seems acceptable. Further detail should be provided regarding its appearance in order to ensure that it fully reflects the character of the listed building. As the canopy is attached to the neighbouring listed building, would this require the submission of a listed building consent?

Blocking up of openings for two windows and a door is unfortunate. However, it is acknowledged that this is to ensure that a suitable use will be achieved for the property. It is suggested that the proposed brickwork to be used to infill the windows/door should be slightly recessed so that the former openings can be read and understood as a development of the building. All brickwork and mortar should match the existing in terms of appearance and bond. The bricks removed to create a new opening for the new main entrance could potentially be used for this purpose, if considered to be suitable/match those used in the elevation.

The proposed new opening is considered to be acceptable as the amount of historic fabric to be removed is minimal and will not affect the significance of the building. These bricks should be retained and used on the eastern elevation where existing openings are to be blocked up. The design of the door will need to be approved by the LPA.

Any new other brickwork should match existing in terms of colour, appearance, bond and mortar.

Economic Development - No Objection

Conservation Area Advisory Committee - No Objection.

This is an extremely imposing Listed Grade 2 mid-19th Century former warehouse which forms a prominent feature in the Tarrant Street townscape and is an historical reminder of the scale of commercial/industrial undertakings that existed in the town during that period.

The proposed uses are appropriate and should ensure a sound outlook for the future of the building.

It is unfortunate that 3 windows and one doorway will need to be closed on the west elevation but these will not be seen from street level in Tarrant Street and are unlikely to be immediately visible from other public areas. It is considered that the proposals will have no adverse impact on the character or appearance of the conservation area. The removal of the modern flues and air conditioning pipes on the west elevation is welcomed.

If the Council is minded to grant planning permission then it is suggested that one of the attached conditions should ensure that precise details of the closing in of the windows and doors mentioned above should be submitted, together with a sample of the brick to be used. The Council may consider it important that, as historical record, the outlines of the existing openings are preserved by recessing the infilling brickwork.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Within Conservation Area

Adjacent to 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

Arundel Neighbourhood Plan 2014 POLICY 2: A Spatial Plan for the Town

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 adjacent to 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 aswell 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.

The Economic Development Statement submitted with the application states 'The very limited ground floor accommodation within building 18b has over the years housed a number of small businesses ranging from a gallery, a florist and latterly a kitchen design studio, which has recently relocated. Its change of use to residential use removes a very limited amount of floor space (10.8 sqm) from a potentially dangerous access location. The building and therefore the accommodation is not located in either of Arundel's designated primary or secondary retail areas.

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. 175 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 SETTING OF THE LISTED BUILDING

The proposal creates a large 4 bedroom dwelling with a private garden. The overall form of both buildings remains unchanged. The proposal seeks to retain as much of the character and detail of the existing building as possible. Where openings are infilled the arches and outlines are to remain and are controlled by condition.

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 setting of 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 the adjacent 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 setting 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 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 not 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 west elevation of the adjacent Listed Building Sparks Yard forming the boundary with 18a/18b Tarrant Street requires modification to accommodate works required to the amalgamation proposed, in order to create the revised main access canopied stairway. This alteration does not dominate the adjacent listed building and appears as a later minor addition which respects the character and appearance of adjoining buildings and the character of the area generally.

The application proposes that 2 existing windows are closed and infilled with brickwork to match that surrounding the existing openings. The infilling of these windows is to be controlled by condition to ensure they are undertaken in a sympathetic manner.

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

- 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 A6002-01
Site Plan A6001-03
Block Plan A6002-02
Proposed Floor Plans A6002-05-RevA
Proposed Elevations A6002-07-Rev A
Existing and Proposed Elevations A6002-08
Existing and Proposed Cross Sections A-A A6002-09
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 Prior to installation of the replacement door precise details of the design of the door shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the approved details.

Reason: To ensure that the internal and external appearance of the building is satisfactory in accordance with HER DM3 of the Arun Local Plan and the NPPF.
- 4 Prior to infilling of openings precise details of the new brick work and mortar for blocking up of the windows which shall match exactly the materials, bond and mortar mix of the existing brick work and be slightly recessed shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved

Reason: To ensure that the internal and external appearance of the building is satisfactory in accordance with HER DM3 of the Arun Local Plan and the NPPF
- 5 INFORMATIVE: As the canopy hereby approved is attached to the neighbouring listed building, would this require the submission of a listed building consent.
- 6 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.
- 7 INFORMATIVE: The bricks removed to create a new opening for the new main entrance could potentially be used for infilling purposes, if considered to be suitable match for those used in the elevation.