

Recommendation Report for Planning Permission

REF NO: AB/6/25/PL

LOCATION: Sparks Yard  
18 Tarrant Street  
Arundel  
BN18 9DJ

PROPOSAL: Conversion of existing single residential unit with associated commercial space to form 3 No. residential units together with associated works and rear/side extension. This application affects the setting of listed building, affects the character and appearance of the Arundel Conservation Area, is in CIL Zone 2 and is CIL Liable as new flats.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	436sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	68.8 dwellings per hectare.
TOPOGRAPHY	Relatively steep incline to the northwest as the site retreats from Tarrant Street. This results in the ground floor being at street level from Tarrant Street but submerged to the rear of the building with open courtyards to the rear at first-floor.
BOUNDARY TREATMENT	Open frontage to Tarrant Street, boundary walls and sporadic planting to the east and north site boundaries. Abuts 18A Tarrant Street to the northwest/west corner of the plot.
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.
CHARACTER OF LOCALITY	The ground floor has an arcaded front with seven archways, the central and outer arches being taller with a keystone to the larger central and east side arch. At the west end a larger arch has a double wooden double door. The lean-to section at the east end has been altered to an arched entrance that leads to a flight of brick steps.
	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/100/24/CLE	Lawful Development Certificate for the existing first and second floors use as single four bedroom residential unit (Use class C3a) and use of ground floor (Use classes A1, A2 and B1a).	Approve
AB/7/25/L	Listed building consent for the conversion of existing single residential unit with associated commercial space to form 3 No. residential units together with associated works.	
AB/87/20/DOC	Approval of details reserved by condition imposed under ref AB/49/19/L relating to Condition No 3 - details of new brick work & mortar for blocking windows.	Approve
AB/48/19/PL	Change of uses to form an upper floors single, four bedrooomed 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.	ApproveConditionally 18-10-19
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 bedrooomed residential unit and ground floor to a commercial unit (use classes A1,A2 & B1a).	ApproveConditionally 26-09-19
ab/50/19/pl	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	Approve 25-10-19
AB/20/19/TC	Fell 1 No. Sycamore tree within the Arundel Conservation area.	No Objection 25-03-19

AB/48/19/PL & AB/49/19/L - These applications granted planning permission and listed building consent

for the part change of use of the building to a residential use and part change of use to a commercial use alongside associated works.

AB/50/19/PL - This application approved the conversion of what is now 18A Tarrant Street, and subdivision of the unit from Sparks Yard.

AB/100/24/CLE - This application confirmed lawful implementation of applications AB/48/29/PL & AB/49/29/L.

## **REPRESENTATIONS**

Arundel Town Council - Objection:

- Concerns the proposal is an overdevelopment of the site.
- Concerns that the use of obscured glazing for bathrooms on the front elevation would be inappropriate and have an adverse effect on the character and appearance of the building.

9 No. Objections from nearby occupiers:

- Concerns the proposal is an overdevelopment.
- Concerns for the lack of parking.
- Concerns over disruptions during construction.
- Concerns regarding privacy and overlooking.
- Concerns over the lack of parking provisions proposed and in the area.
- Concerns of biodiversity impacts.
- Concerns of harm to the Conservation Area.
- Concerns the advertisement site notices were allegedly removed and replaced.
- Concerns regarding the loss of the use as a commercial unit.

## **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. All relevant planning matters addressed within the conclusions section of this report.

## **CONSULTATIONS**

### **CONSULTATION RESPONSES RECEIVED:**

Conservation Officer (comments provided to AB/7/25/L regarding the same proposal):

- On balance, the application is considered to not cause harm to the significance of the heritage assets or their setting.
- Conditions pertaining to window, door, rooflight, and material details requested.

Conservation Area Advisory Panel - No objection:

- No harm to the Conservation Area identified.

Environmental Health (original comments provided to AB/7/25/L regarding the same proposal) - No objection with conditions:

- Pre-commencement condition pertaining to the submission of a Noise Impact Assessment for transportation noise.
- Pre-commencement condition pertaining to the submission of a Construction Management Plan.

Environmental Health - Further comment:

- It is unclear how the proposed dwellings are to be ventilated.

- In the event that mechanical ventilation is required and/or proposed, a condition requiring an acoustic assessment of any internally or externally located plant, machinery equipment or building services plant is requested.
- Condition requiring an acoustics assessment related to public house activity in proximity requested.
- Condition related to potential asbestos requested.
- Precautionary contamination condition requested.

#### Economic Regeneration - No objection:

- Acknowledge that this site has been marketed for some considerable time without attracting a commercial tenant of any kind and on that basis, do not object to this application.

#### WSSC Highways:

- Do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 116), and there are no transport grounds to resist the proposal.
- Consider that parking requirements could be facilitated on the street and that existing parking restrictions are sufficient to preserve highways safety.
- Note the location within a sustainable location and proximity to public transport services.
- Condition pertaining to cycle storage facilities advised.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Grade II Listed Building.

Conservation Area.

Archaeological Notification Area.

2km Buffer for Site of Special Scientific Interest.

Arun Valley IRZ.

#### DEVELOPMENT PLAN POLICIES

##### Arun Local Plan 2011 - 2031:

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
LANDM2	LAN DM2 The Setting of Arundel
EMPDM1	EMP DM1 Employment Land: Development Management
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD2	Conservation Areas
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**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 does not comply with relevant Development Plan policies in that the residential amenities of intended occupier of Townhouse C would be unacceptable and neighbouring residents would be significantly adversely impacted by the proposals.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
  - (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and 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 complies with these criteria in that it does not harm the significance, or the settings of, the host or neighbouring Grade II Listed Buildings or the character of the Conservation Area.

## OTHER MATERIAL CONSIDERATIONS

The proposal would, albeit to a limited degree (2 No. units) contribute to The Council's shortfall of a 5-year housing land supply. There are no other material considerations to be weighed in the balance with the Development Plan.

## CONCLUSIONS

### PRINCIPLE

The site is within the Built-up Area Boundary where the principle of development is acceptable subject to the consideration of other relevant Development Plan policies as per policy SD SP2 of the Arun Local Plan (ALP) and Policy AR1 of the Arundel Neighbourhood Development Plan (ANP).

Paragraph 125(c) of the NPPF states 'Planning... decisions should: give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. This gives substantial weight to the redevelopment of the site which is a Grade II Listed Building that has been vacant for a number of years and is currently in disuse.

The proposal is for the redevelopment of a building in the built-up area. Whilst the policies relating to the supply of housing are out of date the site is within the built up area where the principle of development/redevelopment is acceptable.

### CHARACTER & DESIGN

The proposal primarily involves the internal alteration of the building but includes a side infill extension on the eastern side of the plot and the alteration of entrance ways to the east and west ends of the front elevation. It includes the installation of rooflights, replacement of windows with doors along the rear elevation, and subdivision of the rear courtyard area.

The site is outside the Town Centre Retail Boundary but is within such a proximity that retail and similar commercial uses can be found in the area. The primary use of nearby properties, however, is residential, with a dense urban grain of terraced properties.

The proposal would present a limited visual alteration of how the building is appreciated from the street. The side extension would follow the existing form of the pitched roof to the east side of the building and would be no taller. The extension would consist of matching materials and would only be visible when appreciating the building from the street and along the eastern side of the plot. The extension would be of an acceptable scale and visual integration with the existing building.

The rear first-floor rear elevation would be altered through the replacement of existing windows with doors that match those found on the same elevation at present. These would be minor, acceptable visual alterations.

The front elevation of the building would be altered through the replacement of the timber service doors to the west side with an entrance lobby, black stained diagonal timber boarding and doors, and the

creation of a similar entrance lobby with black stained diagonal timber doors to the east side. These alterations are relatively limited and would have a sympathetic relationship to the form of the existing building. They are acceptably integrated and of acceptable materials.

5 No. rooflights are to be installed, two to the east roof slope and three to the main roof slope. Those along the roof would have little to no visual impact on the wider locality, and those to the east roof slope would have a limited visual impact. These are acceptable in principle.

The Local Planning Authority (LPA) would have sought conditions requiring the agreement of particular details and materials/finishes of the above extensions and fenestrations.

Subject to relevant conditions, the proposals are in accordance with policies LAN DM2, D SP1, D DM1 & D DM4 of the ALP.

#### **RESIDENTIAL AMENITY**

The proposal would not result in any significant increase in scale or bulk that would result in any significantly adverse impacts by way of overbearing or overshadowing.

For context, the existing unit is in a state of partial implementation of a development previously approved at this site. This previous approval granted a change of use to the first and second floors to residential use. Notably, the northwesternmost room on the second floor was approved as a secondary room to the kitchen. At the time the previous approval was granted, the property now known as 18A Tarrant Street, to the rear of Sparks Yard, was under the ownership of the applicant and was very shortly after, converted into a separate residential unit. 18A Tarrant Street now operates as a separate residential unit.

The proposal seeks to provide 2 bedrooms in the northwest corner of the second floor of Spark Yard, within the space that currently benefits from use as a secondary room to the kitchen area. These are bedrooms 2 & 3 of Townhouse B. The proposed bedrooms are served by 3 windows of note, one facing west, and two facing north towards No. 18A Tarrant Street. The west facing window would look out to a private amenity space however, given the dense urban nature of the area, the degree of overlooking of this area is acceptable. The 2 north facing windows in question, however, are approx. 4.7m from, and directly aligned the 2 first-floor bedroom windows on the southern elevation of 18A Tarrant Street. As such, there would both a close and direct inter-overlooking relationship between the bedrooms of the two properties. The present relationship of these openings is between the two bedrooms of No. 18A Tarrant Street and the secondary room to the kitchen area of Sparks Yard. The secondary room to the kitchen would see semi-frequent use but is not habitable space and would not likely be occupied for extended periods. The existing relationship has the potential to be intrusive, but the proposal would compound the existing, somewhat harmful relationship, to an unacceptable degree by replacing the secondary room of the kitchen area with 2 bedrooms. It is accepted that within dense urban environments, distances between properties are often limited and result in a degree of inter-overlooking between properties that can and should be expected by residents. However, the relationship between the aforementioned windows proposed is extremely close and direct, with the rooms they serve being the most private and sensitive areas of a residential property. Although a flexible approach in dense urban environments such as this should be adopted, the residential amenities of the proposed unit and its neighbours should still be preserved to an acceptable degree. Given the extremity of the relationship proposed, the resultant harms would not be acceptable.

It is acknowledged that the applicant has provided draft amended plans in effort to address the overlooking concerns, but in line with the LPA's procedure for determining applications, and on the basis that this does not constitute the sole reason for refusal, the amendments have not been accepted or formally considered under this application.

Attention has been drawn by the applicant to existing front-to-front, close relationships between residential properties and windows within Arundel. Whilst these relationships are acknowledged, they are historic front-to-front relationships across public space rather than to the rear and compounding the current unsatisfactory relationship between the properties under a new application in a modern planning context is not appropriate. Although the spatial relationship between the Sparks Yard and the 18A Tarrant Street is an existing built relationship, this is not a reason to exacerbate the sensitivity of the relationship by replacing the secondary kitchen room with bedrooms.

The proposal has no off-street parking provisions and on-street parking capacity within the immediate vicinity is limited. The proposal is anticipated to displace 5 additional cars owned by intended occupiers to the on-street parking provisions in the area. WSCC Highways have expressed no concern for parking capacity or highways safety as a result but acknowledge the limited parking capacity in the immediate vicinity and suggest the LPA may wish to consider the amenity impacts of the proposal requiring the on-street parking in this context. On the basis that WSCC Highways consider there is capacity for parking within the area, but a particularly limited capacity within the immediate vicinity, the concern would be that residents who opt to park a private car within the area would need to walk some significant distance to reach their cars, or displace cars parked by existing residents to do the same. The site is located within a highly sustainable location, and dependency on car usage would likely be mitigated to a degree because of this.

Whilst this parking issue is inconvenient, undesirable, and would be harmful to the residential amenity of occupiers and potentially existing residents, this would not likely have an unacceptable impact on residential amenity in the context and when considered against the benefits of the proposal.

The proposal would result in unacceptable overlooking impacts on 18A Tarrant Street to the rear of the site in conflict with policies QE SP1, D DM1 & D DM4 of the ALP.

#### QUALITY OF ACCOMMODATION

Townhouse A & B benefit from substantial internal amenity space beyond the suggestions of the Nationally Described Space Standards. Townhouse A benefits from a substantial private rear amenity space that would be both functional and of a sufficient amenity value within the dense urban context.

Townhouse B would benefit from a limited external courtyard for its amenity space that would be overlooked by the neighbouring property. It is not private amenity space and due to its siting north of the main building, and its enclosure, it would receive limited light. It would not, however, appear practical to expand this amenity space with the current layout proposed and the space provided would offer some capacity for ancillary residential activities. Some consideration is given to the fact that a future buyer would be recognisant of the space provided and the dense urban environment. Within the context of the dense urban area and considering the layout of the plot and the open space and amenities offered by Arundel and its hinterlands, the low quality of this external amenity space is not so harmful that it constitutes a reason for refusal.

Bedrooms 2 & 3 of Townhouse B would have a limited standard of privacy and amenity contingent on the use of blinds/curtains when in use due to the proximity to the bedroom windows of 18A Tarrant Street to the rear.

Townhouse C would feature an internal floorspace of 52sqm, a shortfall of 6sqm from the suggested 58sqm for a two-storey dwelling with 2. bed spaces. The bedroom is 3m x 3.6m resulting in a 10.8sqm bedroom that is a shortfall of the 11.5sqm minimum for a double bedroom.

The ground floor of Townhouse C would feature a single glazed opening in the form of a rooflight above an angled lightwell that sits within the first-floor courtyard and serves the bedroom below. The first-floor

courtyard is surrounded by an approx. 2.3m tall brick perimeter wall and is on the north side of the building. There would be little to no amenity outlook, access to natural light, or natural ventilation within the ground floor of the unit.

Upon entering Townhouse C, the occupier would be met by refuse storage on their left and be required to pass through the bathroom to gain access to the bedroom. The layout is not conducive to a high standard of amenity as refuse storage areas and sanitary spaces with no natural ventilation (with the exception of the front door) must be passed by/through before gaining access to the bedroom. In the absence of natural ventilation, it is anticipated that the ground floor would likely be required to be ventilated mechanically which is not preferable or conducive to a high standard of amenity. Certainly, in the event of the mechanical ventilation failing or not functioning as intended, the stagnation and permeation of odours could easily occur within the ground floor of the unit.

The first floor of Townhouse C appears acceptable in terms of layout and would benefit from rooflights, a side window, and set of rear glazed doors. The rear glazed doors would be met by an approx. 2.3m brick wall surrounding the courtyard and the side window would be met swiftly by the west elevation of the neighbouring property to the east which would restrict outlook. The the upper floor would have some outlook, albeit very limited and unmeaningful, from within the property, alongside sufficient access to natural ventilation and light.

Townhouse C has been provided with a private external amenity space in the form of a 6.8sqm courtyard surrounded by an approx. 2.3m brick wall. Section H.04 of the Arun Design Guide identifies that private rear gardens should have a minimum depth of 10.5m, but as acknowledged for Townhouse B, it is accepted that in dense urban environments that this is not always possible and smaller spaces can be acceptable subject to sufficient privacy and access to light. The courtyard would have very limited light accessibility, being on the northern side of the building, surrounded by neighbouring two-storey built form, and enclosed entirely by the perimeter wall. Whilst it would afford privacy, this is at the cost of complete enclosure and reduced light accessibility. The designated external amenity space for Townhouse C offers negligible space, no significant sense of openness or adequate access to light. It is of minimal amenity value and is not sufficient.

The LPA have concerns pertaining to the potential means of escape from Townhouse C in the event of a fire, however, it is acknowledged that the proposal would need to meet the requirements of Building Regulations to this effect beyond the planning stage.

The bedrooms of Townhouse B do not benefit from sufficient privacy due to close and direct inter-overlooking relationship with the neighbouring property (18A Tarrant Street) as outlined within the neighbouring residential amenity section of this report and noted within paragraph 3 of this section. This is in conflict with policies QE SP1, D DM1 & D DM4 of the ALP.

It is accepted the Nationally Described Space Standards form guidance for the application of Policy D DM2 of the ALP and that strict accordance with these standards is not always achievable where proposals are for conversions or where the proposal relates to the conversion of a historic building. The proposal is for the conversion of a historic building but given the generous provisions of internal space for Townhouse A & B, it is unclear that the Townhouse C could not have been afforded the minimum standards without compromising the historic character of the wider building. That being said, the shortfall of internal space itself does not constitute a reason for refusal, but in conjunction with the poor layout, light accessibility, and other adverse elements of proposed Townhouse C outlined above, Townhouse C would not benefit from an acceptable standard of residential amenity for future occupiers in conflict with policy QE SP1 of the ALP, and Paragraph 135(f) of the NPPF.

## ECONOMIC IMPACTS

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The proposal would result in the loss of the remaining commercial space to the ground floor of Sparks Yard, but it is acknowledged that the site has been marketed for a approx. 4-years and has been unable to be sold and operated as a commercial use. The site is not within the primary or secondary retail frontages of Arundel's Town Centre and does not form part of a continuous retail environment. Whilst regrettable, the loss of the retail unit is accepted as a necessary outcome to bring the unit into a functional use and is in accordance with Policy EMP DM1 of the ALP.

#### **ENERGY EFFICIENCY**

ALP Policy ECC SP2 requires all new developments, including changes of use, to be energy efficient and to incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. Notwithstanding these requirements, the site is firmly in the Arundel Conservation Area and is a prominent Grade II Listed Building. The application of renewable energy sources such as solar panels to the building would introduce modern features that would be at odds with the immediate traditional and heritage context in which the site found and likely result in harm to the host building and the settings of the nearby listed buildings and the Conservation Area. Given the close proximity of amenity spaces and residential uses, Air Source Heat Pumps could produce unsatisfactory noise levels in proximity to neighbours and/or be detrimental to the historic character/fabric of the building. The proposal would be required to meet modern Building Regulation Standards in terms of energy efficiency, and it is not necessary, in this context, to require further energy efficiency measures and details for this proposal.

On balance, given the context of the site, non-compliance with Policy ECC SP2 of the ALP is not a reason for refusal.

#### **ECOLOGY & BIODIVERSITY**

The site is in the 2km Buffer for Site of Special Scientific Interest (SSSI) and the Arun Valley (SPA) Impact Risk Zone. The site is entirely built over at present and located within a dense urban area. The proposals do not involve any significant increase of scale or bulk and would have no impact on the Arun Valley SPA or the SSSI. The need for an appropriate assessment has been screened out and the proposal is in accordance with Policy ENV SP1 & ENV DM1 of the ALP.

The proposal falls within the de-minimis exemption for statutory biodiversity net gain and had the application have been successful, conditions would have likely been attached to secure minor ecological enhancements on site and contribute toward achieving a biodiversity net gain in line with Policy ENV DM5 of the ALP. The LPA have no evidence of any protected species on site and the works are of a minor scale, as such no protected species surveys are necessary.

The proposal would have been in accordance with policies ENV SP1, ENV DM1 & ENV DM5 of the ALP.

#### **HIGHWAYS IMPACTS**

The site does not benefit from any off-street car parking provisions nor are any proposed. The extant development provided 3 bedrooms, and the site is within Parking Zone 1. As such, the residential use of the existing site would have required 2 car parking spaces in line with the Arun Parking Standards to be accommodated on-street. The proposed development is for 3 No. dwellings which consist of a 1 No. bedroom unit, a 3 bed unit, and a 4 bed unit. In total, this would require 7 car parking spaces which would be displaced to the on-street parking provisions. It is noted that WSCC Highways have identified a requirement of 8 spaces, but the LPA is of the mind that this appears to be in error. It should also be acknowledged that the previous and presently lawful commercial use of the unit would have its own parking demand that may have contributed on street, although the likelihood of staff/customers driving to the site and parking on street rather than using public car parks in the area is thought unlikely given the limited capacity in the immediate vicinity.

On the basis that the existing, partially implemented development would displace 2 cars to the on-street

parking provisions, the proposal would suggest a 5 additional car displacement to the street. WSCC Highways have identified that the substantial parking control measures within the area would adequately preserve highways safety.

The site is located within a highly sustainable location with the variety of amenities and services within the Arundel retail centre within walking distance. There are 6 bus stops in walking distance (Maltravers Street, Norfolk Arms, Riverbank, and Queen Street), and the Arundel Railway Station is approx. 15-minute walk or an approx. 6-minute walk and 2-minute bus ride away. This would likely reduce car dependency and encourage the use of more sustainable transport methods.

On-street parking capacity within the vicinity is limited however, WSCC Highways have not raised any capacity concerns. Officer understanding of the area, and public representation, gives cause for concern related to capacity, but this is routed in concern for amenity rather than safety or overall capacity of the locality of the site. It is anticipated that there is likely potential for on-street parking within the wider locality, the distance for which the residents may be required to walk to reach their cars, or the knock-on impact additional cars parking within the immediate vicinity may have on existing residents is of amenity concern. This has been addressed in the residential amenity section as appropriate.

No evidence has been provided to quantify or justify that private parking for the proposals could be facilitated on-street, particularly within the immediate vicinity, without detriment to the amenity of occupiers. WSCC Highways have raised no concerns for overall capacity or highways safety within the area. The proposal is not in accordance with Policy T SP1 or the Arun parking Standards but is in compliance with Paragraph 116 of the NPPF.

Townhouse C does not have sufficient space to provide dedicated cycle storage outside and internal cycle storage provisions would be impractical given the limited space. Townhouse B would have scope for internal cycle storage on the ground floor. Townhouse A would have limited scope for internal cycle storage, but external cycle storage would be possible. Access to this space alongside with bicycle 'in hand' would be impractical as it would need to either be carried up the narrow and long side staircase, or through the house and up its stairs. Whilst cycle storage provisions have been requested via condition by WSCC Highways, such a condition would be impractical and not likely viable at all for Townhouses A or C. The surrounding streets are narrow and not conducive to a pleasant cycling experience. It is not likely that cycle storage on site is viable or would be capitalised upon by future occupiers. It is not likely that conditions pertaining to cycle storage provisions would have been attached to this decision.

Whilst the proposal is not in accordance with the Arun Parking Standards and in partial conflict with Policy T SP1 of the ALP, for the reasons outlined above, these are not reasons for refusal and the proposal remains mostly in accordance with Policy T SP1 of the ALP, and in compliance with Paragraph 116 of the NPPF.

#### NOISE

Environmental Health were consulted on this proposal. Initial comments were provided on the associated Listed Building Consent application, but further comment and clarification has been provided identifying the comments are of relevance to this application and specifying further requirements.

Due to the proximity to the road and to public houses, Noise Impact Assessment conditions have been requested by Environmental Health and would have been attached to any positive determination to ensure the intended occupiers would not have been subject to undue noise impacts from external sources.

Following the understanding that mechanical ventilation may be required, Environmental Health requested a condition requiring an acoustics assessment of any internally or externally located plant,

machinery equipment or building services plant to seek to preserve residential amenity. Whilst the use of mechanical ventilation contributes to the unacceptable standard of residential amenity for the occupiers of Townhouse C, had the residential amenities of its intended occupiers been found acceptable, this condition would likely have also been attached.

Subject to conditions, the proposal would have been in accordance with Policies QE DM1 of the ALP.

## HERITAGE

The application has been supported by a Heritage Statement accurately identifying the significance of the Grade II Listed Building and considers the proposals impact on the same. The statement does not identify or consider the impacts on the neighbouring Listed Buildings or the Arundel Conservation Area specifically, but does identify its limited external alteration, particularly within the street scene, and The Council is content in making a determination in the absence of specific identification or consideration of these assets.

The Conservation Officer was consulted on the associated Listed Building Consent application which proposes identical works to this application and has been assessed alongside this application. The Conservation Area Advisory Panel have also provided comment on this application.

Sparks Yard is a Grade II Listed Building and situated within the Arundel Conservation Area. There are also a number of Listed and Locally Listed Buildings in proximity to the site. Including Nos. 43-57 (odd numbers) Tarrant Street, Nos. 2, 4, & 6 Bakers Arms Hill, Bakers Arms Hill Cottage, and Nos. 25, 17, 29, & 31 Maltravers Street which are Listed Buildings, and

Nos. 16a, 20, 22, 24, 26, 28, & 30 are Locally Listed Buildings or Structures of Character.

Sparks Yard is a former furniture repository understood to have been constructed around 1880. It is a Grade II Listed Building over three storeys with a two-storey lean-to on the eastern side. It is constructed of red brick with yellow and red brick decorative courses and segmental arches and surrounds to windows. There is also a brick modillion eaves cornice. The ground floor has an arcaded front with five window archways, the central one is taller with a keystone to its arch. At the west end is a larger arch with a double wooden door, whilst the lean-to section at the east end was altered around 1991 to form an arched entrance to match that at the west end but with a keystone to its arch. The first and second floor feature six double-hung sash windows with glazing bars and one small arched opening in the lean-to section. On the eastern elevation are three double-hung sash windows with glazing bars and a painted sign. It has a double gabled slate roof and brick chimneys.

Since the late 1980's the building has had several uses including offices, a wine bar, and a shop/restaurant. Planning approval was granted on 26th September 2019 for the creation of a single residential unit. Even though the building has been marked with the permission, it has remained empty since that time. The building is considered to derive its significance from its architectural and historical interest.

One of the principal attractions of Arundel and its Conservation Area 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 has a mixture of retail and residential uses. All properties front directly onto the pavement/road, and are faced with a mix of render, brick, and flint. The presence of one pavement along this section of the road, along with varied and mixed elevations to the properties is features which enhance the character of the road.

The proposal includes a number of internal and external alterations but would ultimately, preserve the original utilitarian character and would help bring the building into effective use and ensure the ongoing maintenance of the building, which are both positive. The Schedule of Works and plans outline various

minor repairs alongside the main components of the application. These are acceptable and would not fundamentally alter the appearance of the building.

The 2 No. windows at first floor on the eastern elevation of Unit C would have been required to be installed with a design that incorporates 4 panes and integral glazing bars rather than their currently proposed design. Conditions in this respect have been attached to the associated Listed Building Consent application as requested by the Conservation Officer; however, it should be noted that the Listed Building Consent does not purport to grant planning permission for any works that require it.

Conditions pertaining to material details, window, and door details, and rooflight details have also been attached to the associated Listed Building Consent application to ensure details of an appropriate quality and type for the heritage context would be secured.

There is minimal alteration of the south (front) elevation which is positive. The works would have a minimal visual impact on street scene or the wider locality which helps to preserve the setting of neighbouring heritage assets and the Conservation Area.

Subject to conditions, the proposal would not have harmed the significance of the Grade II Listed Building, its setting, the settings of the nearby Listed or Locally Listed Buildings, or the Conservation Area.

The proposal is in accordance with Policies HER SP1, HER DM1, HER DM2 & HER DM3 of the ALP, and the NPPF.

#### **SUMMARY**

Substantial weight has been afforded to the redevelopment of this brownfield site in line with Paragraph 125(c) of the NPPF. Additionally, due consideration has been given to the desirability of putting the building to a viable use in line with Paragraph 210(c) of the NPPF, and to the provision of two additional dwellings during a period where The Council has a shortfall of a 5-year Housing Land Supply. However, the harms of the proposal have been concluded to significantly and demonstrably outweigh the benefits of the proposal and as such, the application is recommended for refusal.

#### **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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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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.

#### CIL DETAILS

This application would have been CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may have applied).

#### RECOMMENDATION

##### REFUSE

- 1 Due to the unacceptably close and direct relationship between the two north facing windows serving bedrooms one and two of proposed Townhouse B, and the two south facing first-floor windows serving bedrooms within the neighbouring property 18A Tarrant Street, the proposal would have an unacceptable inter-overlooking relationship between properties that would be unacceptably harmful to the residential amenities of intended occupiers and the neighbouring property in conflict with Policies QE SP1, D DM1 & D DM4 of the Arun Local Plan.
- 2 Townhouse C, due to the shortfall of internal space relative to the Nationally Described Space Standards, the very limited provision and quality of external space, unsatisfactory ground-floor layout, substantial lack of natural light and ventilation to ground-floor, lack of openings with meaningful amenity outlook, and likely dependence on mechanical ventilation, would provide an unacceptable standard of residential amenity for its intended occupiers in conflict with Policy QE SP1 of the Arun Local Plan, and Paragraph 135(f) of the NPPF.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.