

REPORT UPDATE

Application No: AB/75/20/PL

Reason for the Update / Changes

Reason for Update:

Three additional Objection re-iterating comments already expressed in earlier representations from third parties and included in the officer report.

Officers Comment:

The legislation does not require the Council to seek proof from the applicant re ownership; the applicant is required to self-certify and if it later transpires that they have knowingly made a false statement they may become liable to criminal prosecution.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: AB/75/20/PL

LOCATION: 55-57 High Street
Arundel
BN18 9AJ

PROPOSAL: Conversion of existing mixed use space to 1 No. 1- bedroom flat. This application affects the character & appearance of the Arundel Conservation Area & affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is retrospective and relates to conversion of a detached single storey building to a one bedroom flat.

The alterations include the installation of doubles doors, a door/window in place of an existing window, a glazed covered way and a replacement spiral staircase.

The dwelling would be accessed from the High Street via an existing passageway.

BOUNDARY TREATMENT

New fencing is proposed to enclose the unit. The unit currently has no boundary screening. It is integrated within the development of the former bank premises.

SITE CHARACTERISTICS

The site is part of a former Nat West bank which has been converted to residential uses to the rear at ground floor whilst retaining a business space to the site frontage. The building has a flat roof and brick elevations, some of which are painted.

CHARACTER OF LOCALITY

Town centre location. Predominantly retail and commercial uses at ground floor with residential/commercial uses above.

RELEVANT SITE HISTORY

AB/39/19/PL	Change of use at rear from A2 (Financial & Professional Services) to C3 (Dwelling Houses) & change of use at front from A2 (Financial & Professional Services) to A1 (Shops). This application affects the character and appearance of the Arundel Conservation Area.	ApproveConditionally 18-10-19
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AB/48/17/PL	Conversion of a mixed use space into a new ground floor one bedroom apartment with guest annex including demolition of fire escape corridor walls & regularisation for consent for new stud work for partition wall. This application affects the character & appearance of the Arundel Conservation Area.	ApproveConditionally 19-06-17
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AB/48/17/PL granted planning permission for conversion of the unit to annexe accommodation subject to condition 4 which stated :

'The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the Ground Floor Apartment as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.'

This proposal amends the internal layout, includes some external alterations and provides a separate direct access to High Street and provides external amenity space. It does not involve the loss of any part of the building previously approved and the only increase in the floor area is the provision of a glazed covered way.

REPRESENTATIONS

Arundel Town Council - Objection:

- This is a retrospective application.
- In the past conversion was approved as an annexe only with the use as a separate dwelling prevented by condition.

5 Objections:

- Application form is completed incorrectly as not all owners notified.
- Application is retrospective.
- The proposal must be considered to be overdevelopment if it is not an annexe.
- Effective sound-proofing is required where the conversion abuts other properties.
- Concern regarding the restricted current and future access to fire escape route which is and will be the

entrance to the said proposed dwelling. Currently this has been blocked.
- Drainage and sewerage capacity is insufficient.

COMMENTS ON REPRESENTATIONS RECEIVED:

This proposal is different from the original permission as the unit now has a separate access onto High Street and the accommodation provided means that it is capable of being used independently. It provides adequate external and internal amenity space in accordance with policy and is not reliant on shared facilities with the other ground floor residential unit.

The proposal is not considered to be overdevelopment as it accords with adopted internal space standards and provides independently accessible external space.

The change from an annexe to a self contained unit of accommodation would have no material impact on drainage and sewage capacity.

Sound proofing and integrity of roofing material would be controlled by building regulations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. A submitted photograph shows an air conditioning unit in very close proximity and pointing directly towards the windows of the planned dwelling. This has the potential to negatively affect the residential amenity of any future occupiers by causing noise and vibration issues.

Conservation Area Advisory Panel - No Objection.

The proposal is considered to comply with the relevant paragraphs of the National Planning Policy Framework and policies contained in the Arun Local Plan relating to the protection and enhancement of conservation areas.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The agent has subsequently confirmed that the air conditioning unit has been removed.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Grade 2 Listed Building
Conservation Area

DEVELOPMENT PLAN POLICIES

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

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)
DSP1	D SP1 Design

HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
RETSP1	RET SP1 Hierachy of Town Centres
TSP1	T SP1 Transport and Development

[Arundel Neighbourhood Plan 2018-2031 AR7](#)

Arundel Town Centre

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policy AR7 of Arundel Neighbourhood Plan is relevant and has been taken into account.

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 there would be no materially adverse effect on visual or residential amenity or the character of the area.

Where the building is located in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and 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.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character and appearance of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is located within the built up area boundary and the principle of conversion of the existing building to residential use, albeit as an annexe only, has already been accepted and approved.

In this instance the main criteria against which the application will be assessed is as per policies D DM1, D DM4, DSP 1, HER DM1, HER DM3 and HER SP1 of the Local Plan, the Nationally Prescribed Space Standards, NPPF and policy AR7 of Arundel Neighbourhood Plan.

Policy D SP1 Design states that development has to be designed in such a way that it reflects its immediate setting in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host building, its neighbours and the locality.

Policy HER DM1 sets out criteria which proposals which affect Listed Buildings must meet in order to be acceptable. These include preservation or enhancement of the building and its setting. Policy HER DM3 seeks to ensure that development will only preserve or enhance the character of the Conservation Area or its setting. Policy HER SP1 states that planning permission will be granted for development that conserves or enhances the historic environment.

Policy RET SP1 of the Local Plan and Policy AR7 of Arundel Neighbourhood Plan support proposals to consolidate and strengthen the vitality and viability of Arundel Town Centre.

SITE HISTORY

Approval was granted under reference AB/48/17/PL for the conversion of this space into a one bedroom guest annexe, subject to a condition that it remained ancillary to the main unit. The reason for imposing the condition was to prevent an over-intensive use of the site and prevent an unsatisfactory relationship between independent dwellings.

The amended layout of the unit provides a separate, independent and acceptably sized curtilage which results in a satisfactory relationship between the units and provides adequate amenity space for a one bedroom flat.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

There is no material increase on the impact of the proposal on visual amenity or, the character and appearance of the area beyond that already previously approved as the physical changes are largely internal.

The external changes included within this application relate to the installation of french doors to the bedroom together with the infilling of one bedroom window. One of the windows to the study will be replaced with a door/window under the same opening. The existing vertical means of escape ladder will be replaced with a spiral staircase adjacent to the bedroom. New fencing will be installed to separate the dwelling from the other ground floor flat. The new doors and door/window will be in timber and all the existing Crittall windows will be retained. Precise details of the materials to be used for the conversion will be controlled by condition when the listed building consent application is considered.

It is recognised that the proposal is no longer for ancillary accommodation, but the unit now does not share any accommodation with the host property.

The building has no site frontage to High Street and is hidden from public view by other taller buildings. The external changes included in this application are not readily visible in the street scene and have no detrimental impact on the appearance or design of the building in compliance with relevant development plan policies.

RESIDENTIAL AMENITY

The unit is surrounded by other development, but the location of the unit reflects the tight grain of other development in the locality and similar interrelationships are present to the rear of other units in High Street.

The unit does not overlook any neighbouring properties and has access to external amenity space. The floor area is also limited which would limit the number of occupiers at any one time. The pedestrian access to the unit is existing.

A new boundary treatment comprising oak fencing is to be installed to provide private external amenity space to the unit. This courtyard area measures 4.5m wide by 2.2m at its minimum depth.

The emerging Arun Design Guide requires amenity spaces to be of an appropriate size and shape to be usable and enjoyable with balconies having a minimum of 3sqm of usable space clear from door swings and be able to accommodate a table, chairs and space for planting. The courtyard area complies with this guidance.

The proposal would provide have no materially adverse impact on the residential amenity of neighbouring properties or future occupiers and therefore accords with policy D DM1 of Arun Local Plan.

INTERNAL SPACE STANDARDS

In terms of the residential amenity of occupiers the proposal accords with the Nationally Described Space Standards. The internal layout provides a 1 bedroom flat.

The floor area of the study room is small (2.7m by 2.5m) and cannot be considered as a second bedroom. In order to provide one bedspace, a single bedroom should have a floor area of at least 7.5m² and is at least 2.15m wide.

A single storey 1 bedroom unit requires 50 sqm floor area for 2 person occupation. The internal floor area is 53 sqm. The proposal therefore provides satisfactory living environment for permanent occupation.

HIGHWAYS AND PARKING

Policy T SP1 states that the Council will ensure that development promotes sustainable transport and that it is designed to reduce the need to travel by car. Arun's adopted parking standards require for provision of one space.

No parking provision is provided for the development, but this is a small unit in a sustainable town centre location with easy access to public transport in the form of bus services and a nearby railway station. Cycle parking is proposed to be controlled by condition.

Notwithstanding the fact that no parking is provided and in light of the above the proposal would accord with policy TSP1 of Arun Local Plan in this respect.

IMPACT ON TOWN CENTRE

The site is located within Arundel town centre behind the Primary Retail Frontage. The proposal would provide an additional residential unit capable of long term permanent occupation which would support the vitality and viability of the town centre in accordance with policy RET SP1 of Arun Local Plan and Policy AR7 of Arundel Neighbourhood Plan.

IMPACT ON HERITAGE ASSET

The application includes a heritage statement in accordance with Paragraph 189 of the NPPF which requires applicants to describe the significance of any heritage assets affected. The level of detail should be proportionate to the asset's importance. Paragraph 190 states that Local Planning Authority's are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking into account any necessary expertise. The comments of the Conservation officer have been sought. There is no conflict between the heritage asset's conservation and any aspect of the proposal as set out below.

The building the subject of this application is located within the grounds of the Listed property and the building which is proposed to be altered is of little architectural merit. Given that the external changes to the building are the same style as existing fenestration details they would result in less than substantial harm to the adjacent Listed Building and its setting and the boundary treatment addition is minimal and non-permanent. This harm when weighed against public benefits is acceptable. The proposal to create an independent unit of accommodation secures its optimum viable use in accordance with para 196 of the NPPF.

There is no interdependence between the outbuilding and the host property. The proposal will sustain and enhance the heritage asset and put it to a viable use consistent with its conservation and maintenance in the long term. It does preserve important elements of the building such as critical windows which is supported.

The building is not readily visible within the conservation area and has little impact on the character or appearance of the area. There is therefore less than substantial harm to the heritage asset and the proposal ensures its conservation and accords with para 193 of the NPPF which states that great weight should be given to the heritage asset's conservation.

The proposal does not therefore adversely impact on the conservation of the heritage asset or its setting or result in harm and therefore accords with policies HER DM1, HER DM3 and HER SP1 of Arun Local Plan and the NPPF.

There is an associated Listed Building application reference AB/76/20/L awaiting determination. In the event of approval conditions will be imposed to ensure that the special visual amenity and overall character of the building is preserved.

CONCLUSIONS

The application is therefore 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The site falls within CIL Zone 2 and results in the creation of a flat with a floor area of 53 sq m. However in this instance the site has been 'in use', therefore, it is CIL Liable but no CIL is payable due due to existing floor area being netted off.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;
 - Location
 - Block
 - Existing and Proposed Elevations 20/1413/03
 - Proposed Floor Plans 20/1413/02
 - Existing Floor Plans 20/1413/01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 2 Within 3 months of the date of this decision a secure and covered cycle parking space shall be provided and constructed in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall be retained in perpetuity.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of cycles in accordance with policy TSP1 of Arun Local Plan.

3 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.

4 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated to residential, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

5 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.