

Recommendation Report for Planning Permission

REF NO: AB/30/17/PL

LOCATION: Quay House
River Road
Arundel

PROPOSAL: Additional entrance within East elevation to provide separate access to upper floors. This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	230 sq.m.
BOUNDARY TREATMENT	The proposed door opens onto the public pavement which forms a riverside forecourt area in front of Arundel Brewery shop window and the Edible Sandwich cafe.
SITE CHARACTERISTICS	A three storey commercial property modern in design sympathetic to its location within the Conservation Area. The property abuts the Arun River on the south side with balconies overlooking it and is near to the historic Queen Street bridge over the River Arun. There are shops/cafes on the ground floor with offices at first and second storey level.
CHARACTER OF LOCALITY	Arundel town centre. A commercial high street location in a historic town within a Conservation Area.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Archaeology Advisor

Consultations responses received:

Archaeology Officer - No relevant impacts.

Conservation Officer - No objection - No harm caused to designated area.

Conservation Area Advisory Committee - No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

ABUTTS RIV ARUN

CLASS C ROAD

CONS AREA

NO PUBLIC SEWER

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
AREA2

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

The Form of New Development
Conservation Areas

D DM1 Aspects of Form and Design
Quality

D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

D SP1 Design

HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

ADS

The Arundel Design Statement by Arundel Town
Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is

taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

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

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

No policies in the Arundel Neighbourhood Plan are considered relevant to this application.

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 have no materially adverse effect on the visual or residential amenities of the area.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed insertion of an additional access door into the front elevation of the building at ground floor level is considered to be of an acceptable design and would not have an impact on neighbouring land uses and would therefore comply with policy Gen 7 of Arun District Local Plan.

No objections have been made to the proposal by either the Councils Conservation Officer nor the Conservation Area Advisory Committee. The proposed additional door is considered to be sympathetic in design with the existing building and would make a positive contribution to the appearance of the Conservation Area generally. The proposal would accord with policy Area 2 of Arun District Local Plan and the Arundel Design Statement.

The application is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans;
Dwg no. 001 Rev C dated Jan 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District 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.