

PLANNING APPLICATION REPORT**REF NO:** AB/39/09/**LOCATION:** 41 High Street
Arundel**PROPOSAL:** Proposed change of use of ground floor from A1 (shop) to A3 (restaurant) - to be incorporated into existing A3 useage. Form new window opening in rear west facing elevation and new shop front.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 210 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary is directly onto footway, rear boundary within Crown Yard Car Park.
SITE CHARACTERISTICS	Three storey terraced Grade II Listed Building. Circa 15th 16th century timber framed and re-fronted in C18 with brickwork painted white, hipped tiled roof with red brick chimneys. Two windows at first floor level painted red, windows at 2nd floor level have been bricked up. Bay window and modern shopfront painted black.
CHARACTER OF LOCALITY	Town Centre location opposite war memorial in square. Variety of commercial and retail premises some with residential accommodation above.

RELEVANT SITE HISTORY

AB/35/63	Alterations to shop and use of first floor as restaurant	Approve Cond 17-09-1963
AB/11/64	Provision of lavatories	Approve Cond 03-04-1964

REPRESENTATIONS**Representations received:**Arundel Town Council
No objection.

The Town Council has no objection to the internal alterations and the proposed change of use, but subject to the views of the Conservation Officer is of the opinion that more sympathetic treatment to the High Street (the fenestration and signage) could be achieved.

1 Letter of Objection

The High Street/Town is already inundated with restaurants/cafes/tea shops and shops selling teas, coffee, food, etc. Surely there must be a limit as to how many one small town can have.

Comments on Representations received:

Noted.

Substitute plans have now been received which delete the new bay with canopy over and amend the glazing to the new shop front. The deletion of the new window and amended details for the shop front are considered to be more in keeping with the existing building.

Competition is not a material planning consideration.

CONSULTATIONS

Consultations responses received:

Conservation Area Advisory Committee

Objection. The canopy over the first floor window is inappropriate and the new shop windows, suggest 3 mullioned windows.

Comments on Consultation responses:

Comments noted. Substitute plans have now been received which delete the new bay window with canopy over and amend the shop front to three windows.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
Grade II Listed Building
Within the Arundel Conservation Area
Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2 GEN7 AREA2	Built-up Area Boundary The Form of New Development Conservation Areas
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PLANNING POLICY GUIDANCE

PPS1 PPG15	Delivering Sustainable Development Planning and the Historic Environment
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity, impact upon the Listed Building and the character and appearance of the Conservation Area.

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 amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area and 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 property is sited within the Town Centre opposite The Square and is within the Arundel Conservation Area.

The last use of the premises was a bakers and the application seeks to change the use to A3 restaurant on the ground floor which will incorporate the existing restaurant on the first floor. Substitute plans have been received which delete the bay window with canopy on the front elevation and the shop front has been amended as the previously submitted plans were considered unacceptable. The alterations have been designed to create an open plan layout to the ground floor and improve access which will involve the removal of stud partition walls at ground and first floor levels and the installation of a new staircase from ground to first floor. A new shop front is proposed on the front elevation with a new fascia sign. The fascia sign has been approved under AB/30/09/A. A new window on the rear west elevation is proposed which will serve the existing residential accommodation at first floor level.

There are no properties to the rear and the installation of the window on the rear west elevation will overlook the car park so overlooking is not an issue. The proposed change of use will preserve the character of the Conservation Area and as the area is of mixed commercial use it will not cause any detrimental effects on the viability of the town centre.

It is therefore recommended that the application be approved, subject to the following conditions.

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 This permission relates to the plans as submitted and amended by substitute plans dated 29th May, 2009.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

- 3 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, AREA2

NATIONAL POLICIES: PPS1, PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.