

Recommendation Report for Planning Permission

REF NO: AB/39/19/PL

LOCATION: 55-57 High Street
Arundel
BN18 9AJ

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the rear aspect of the building from A2 (Financial & Professional Services) to C3 (Dwelling House). It also seeks to change the use of the front aspect from A2 (Financial & Professional Services) to A1 (Shops).
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The site directly abuts the highway to its front elevation.
SITE CHARACTERISTICS	The site is populated by a late C18 townhouse, constructed of yellow brick. It has three storeys with an attic floor, and was previously used as a bank.
CHARACTER OF LOCALITY	The building is located in a high street location, within Arundel Conservation Area.

RELEVANT SITE HISTORY

AB/55/19/A	3 No. non illuminated fascia sign & 2 No. non illuminated projecting signs	ApproveConditionally 05-08-19
AB/40/19/L	Listed building consent for alterations to facilitate the change of use from Financial and Professional Services (Class A2) to mixed use: Retail (Class A1) and staff offices.	Withdrawn 02-07-19
AB/92/17/A	2 No. non-illuminated fascia signs & 1 No. non-illuminated hanging sign	ApproveConditionally 21-08-17

AB/78/17/L	Application for Listed Building Consent for commercial signage & partial window replacements & retrospective permission for internal adaptations.	ApproveConditionally 17-08-17
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
AB/49/17/L	Application for listed building consent for 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.	ApproveConditionally 15-06-17

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Parish Council - No objection.

2 letters of objection from local occupiers:

- There are no details for how the noise levels will be controlled, and how that will affect the homes above.
- There are no fire escapes for the six flats above the retail unit.
- The building is in need of urgent repair.
- There is a specific objection to the change of use to the rear courtyard to change to commercial use, due to noise and disturbance.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. It should be noted that concerns relating to fire escapes are not controlled under planning legislation, and can be controlled under other legislation (building regs). There is no undue noise emitted from this proposal as evidenced by environmental health comments. None the less a restriction on hours operated is proposed.

Even though there is an alcohol license the permission is for the sale of alcohol and other items and not their consumption on the premises

CONSULTATIONS

Historic England
Conservation Officer
Directorate of Airspace Policy
Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

The Council's Conservation Officer:

Number 55-57 High Street has been identified as a Listed Building and is located within the Arundel Conservation Area. Other listed buildings are located in the surrounding area.

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. The High Street itself is characterised by historic shop frontages and other commercial uses.

The building itself is a late C18. town house of Yellow brick. It has three storeys with an attic floor, and used to be one of the towns banks.

It is considered that the change of use will not harm the listed building, nor the character of the local area. As a consequence, the application is considered to not cause harm to the significance of the heritage asset or its/their setting. Therefore, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments

You will also need to take into account the contents of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

C.A.A.C - No objection

- The mixed use of the application site will contribute to the vibrancy of the town centre.

Environmental Health - No objection.

- Environmental Health have no objections to the change of use, however, they request a condition which restricts the hours where deliveries may take place, and an informative covering the registration of the service with the EH department.

Economic Development - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Grade II Listed building
Arundel Conservation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

[Arundel Neighbourhood Plan 2014 POLICY 14:](#) Arundel Town Centre

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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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.

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). Arundel's Emerging Neighbourhood Development Plan is also considered in the determination of the 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 the proposed development is not considered to cause harm to the host building, its locality, or the existing hierarchy of the retail centres in the area.

The character of the conservation area will be preserved as a result of this proposal.

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 an high street location, within the built up area boundary of Arundel in a sustainable location. This is because it is well served by local bus services and is located along an existing shopping parade, with associated public parking and local community facilities. As such, the proposal is considered to comply with policies SD SP1 and SD SP2 of the Arun Local Plan. This is subject to accordance with policies RET SP1, RET DM1 and D DM1 of the Arun Local Plan. Additionally, Policy 2 and Policy 14 of the Arundel Neighbourhood Development Plan, and AR1 and AR7 of the Emerging Arundel Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

The application seeks to change the use of various elements of the host building, with no proposed changes to its external appearance. It should be noted that there has been approval for advertisement consent at the front of the building, however, that is not a consideration of this planning permission.

The increase in the intensity of the residential use of the application site is not considered to be significantly harmful to the character of the host building, or its locality which includes the Arundel Conservation Area. This is because it is stated that the residential use will not be a separate unit to the existing residential use of the site (a studio flat used by the landlord).

The proposed development is considered to be in accordance with D DM1 and HER DM3 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is not considered to give rise to any significantly harmful impact upon the residential amenities of nearby dwellings. This is because the change of use from A2 to A1 is not considered to result in any significant increase in footfall that would be uncommon within the area. Environmental Health have proposed a condition relating to hours of delivery for the site, in order to reduce any potential impact on nearby occupiers of this use, or any potential future A1 uses.

Resultant of the conditions imposed, the proposal is considered to be in accordance with D DM1(3) of the Arun Local Plan.

RETAIL

The application site is located along a Primary frontage within Arundel. Therefore, the proposal should present compliance with RET DM1(2) of Arun Local Plan. The application is considered to be in accordance with this policy, in that it seeks to retain the frontage of the application site as commercial (as it changes from A2 to A1). The change of use away from commercial, to residential it focused at the rear of the application site, which is not considered to result in a conflict with said policy. Additionally, the proposed development is considered to be in accordance with Policy 17 of the Arundel Neighbourhood Development Plan, and AR7 of the Emerging Neighbourhood Development 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

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:

- Location & Block Plan - HS_000 - 1010 - March 2017
- Survey - Ground Floor Plan - HS_S01 - 1010 - (showing the division of the use classes within the site)

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.
- 3 No delivery activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday & Sunday).

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031
- 4 **INFORMATIVE:**
The business is required to submit a 'Food Registration Form' to the Environmental Health department 28 days before opening. Further advice can be given to the business, for example, on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service on (01903) 737755
- 5 **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.