

Recommendation Report for Planning Permission

REF NO: AB/44/22/PL

LOCATION: 2 Maltravers Street
Arundel
BN18 9AP

PROPOSAL: Change of use of building from residential (C3) to a mixed use of residential and art gallery (Class E). This application affects the setting of listed buildings, affects the character and appearance of the Arundel Conservation Area and is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the building from residential to a mixed use of residential and art gallery (Class E).
SITE CHARACTERISTICS	The site is occupied by a mid C19 terraced house which have red brick on the ground floor, with black brick stringcourses and voussoirs. The first floor is timber-framed with rendered panels.
CHARACTER OF LOCALITY	The area is mixed in use with residential properties and Arundel High Street in close proximity.
None.	

REPRESENTATIONS

Arundel Town Council have provided no response

3 letters of representation received from nearby occupiers.

- The change of use will support the towns economic growth and cultural standing in Sussex and beyond.
- An art gallery of this calibre would continue to enhance Arundel's reputation for fine quality establishments.
- Adds to appeal of the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

ARUN CONSERVATION AREA ADVISORY PANEL

No Objection. The Panel have no objection to the use which would contribute to the vitality and viability of the town centre. The Panel does object to the painting of the oak front door, but it is assumed that this particular alteration is permitted development (but that it does require listed building consent).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Grade II Listed Building
Conservation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM3	HER DM3 Conservation Areas
HERDM1	HER DM1 Listed Buildings
TSP1	T SP1 Transport and Development
HERSP1	HER SP1 The Historic Environment
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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, 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.

The revised Arundel Neighbourhood Development Plan was made on 15/01/20 and its policies are referred to in this report.

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 not have a materially adverse impact on the residential amenities of nearby properties, nor would it have a significant adverse impact upon the established character of the surrounding area.

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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The key policies are D DM1, D DM4 and HER SP1 of the Arun Local Plan and the Arun Design Guide.

Arundel has a made Neighbourhood Plan with policy AR1 of relevance to the application. The proposal complies with AR1 being located with the BUAB.

DESIGN AND VISUAL AMENITY

The proposal will involve the change of use of the property from residential to a mix of residential and an art gallery.

It will require no physical external and internal changes to be made to the building apart from the flexible change of the use of the living room and bedrooms to an art gallery for the display and sale of art. There will however be a hanging sign installed to advertise the business use. This is subject to an advert application, although is minor in size and appears appropriate in design and scale to the building and does not detract from the appearance of the property.

The neighbouring properties are in residential use, whilst opposite lies a restaurant, however it is in close proximity to Arundel High Street and the use of the property for Class E will not be out of character for the area.

The Design Guide states, 'Conversions must protect the original character and appearance of buildings through careful use of considerate materials, preservation of distinctive features, sensitive placement of additional floors, and minimal internal and external alterations.' The proposal seeks part conversion and will retain the internal and external appearance of the building. This complies with the Design Guide.

With no visible changes to the property from the street scene and its use appropriate to the area in which it is located, it will not result in harm to the character of the appearance of the street scene and accords with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

RESIDENTIAL AMENITY

The change of use will not result in harm upon neighbouring amenity with no external changes proposed.

The use for the display and sale of art is quiet in nature and will not result in a significant increase in noise with the level of activity consistent with that associated with the existing dwelling.

Due to the use proposed, it will not result in adverse harm upon neighbouring amenity in accordance with D DM1 and D DM4 of the Arun Local Plan.

PARKING

Demand for parking may slightly increase due to the use proposed. Whilst the application does not include any parking provision, there are public car parks within the area which would serve customers who wished to access the site by car. Trips are also likely to be combined with access to other facilities and services in the town or the use will attract tourists who are already parked elsewhere and as such will not result in harm upon the highway in accordance with T SP1 of the Plan.

IMPACT ON HERITAGE ASSETS

The property is Grade II Listed and is also located within the Arundel Conservation Area.

Paragraph 194 of the NPPF requires the applicant identify the significance of the heritage asset affected by a proposed development. The proposal is of architectural and historical significance.

Para 195 requires the LPA consider the significance of the impact upon that heritage asset. The Conservation Officer has provided comment on the supporting listed application, and these are applicable to this application also.

The town centre contains a number of uses including residential, restaurants and retail. As a result, the introduction of a mixed-use property to this location would not be out of character or cause harm.

Following the comments from the Conservation Officer, the door is to remain as existing and will no longer be painted. As such, this addresses the concerns raised and the proposal will not result in harm upon the building and will preserve the appearance of the Conservation Area and Listed Building.

SUMMARY

The development complies with relevant plan policies and as such is recommended for approval subject to the following conditions and informatives.

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

- Location and Floor Plans - 100
- Proposed Floor Plans - 119
- Proposed Elevation and Side View - 120 Rev A
- Proposed Elevation and Side View - 121 Rev A

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 The use hereby permitted under Class E is limited to the display and sale of art only.

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of nearby residential properties in accordance with D DM1 of the Arun Local Plan.

- 4 **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.