

Recommendation Report for Planning Permission

REF NO: AB/60/19/PL

LOCATION: 39 High Street
Arundel
BN18 9AG

PROPOSAL: Change of use of the first & second floors to offices (B1 Businesses). This application may affect the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is a retrospective application for the change of use of the first & second floors of a retail unit to B1 Offices. There are no internal or external alterations proposed as part of the application.
SITE AREA	107 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	N/a.
SITE CHARACTERISTICS	The site is the first and second floors of a high street shop on High Street, Arundel
CHARACTER OF LOCALITY	The locality is the town centre of Arundel with a mix of commercial, retail and some residential uses on upper floors.

RELEVANT SITE HISTORY

AB/31/14/PL	Internal alterations to change use of first and second floors from residential (Class C3) to Retail (Class A1). This application affects the Character and Appearance of the Arundel Conservation Area.	ApproveConditionally 27-05-14
AB/32/14/L	Application for Listed Building Consent for internal alterations to change use of first and second floors from residential (Class C3) to Retail (Class A1).	ApproveConditionally 23-05-14

Retail use was granted approval at first and second floor. The physical changes converting the premises from residential use took place at the time of the previous application however the premises were used for B1 office rather than retail use. This use continues to the current day and this application seeks retrospective planning permission for it.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No objection.

The proposal is not considered to have an impact on the significance of the heritage asset as no historic fabric would be affected.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

LB GRADE II

CONS AREA

DEVELOPMENT PLAN POLICIES

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.

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.

Policies 2, 13 & 14 of the Arundel Neighbourhood Plan are considered relevant to this application.

It is noted that Arundel has an emerging Neighbourhood Development Plan, of which Policy AR1, AR4 & AR5 are relevant. The emerging plan underwent a consultation exercise between the 17th July and 28th August 2019 as per Regulation 16. At this point the policies within the emerging plan have limited weight.

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 proposal would support existing businesses and maintain the use of a high street shop for an A2 use.

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 proposed development would be within the built up area boundary of Arundel and therefore would in principle be supported in accordance with policy SD SP2 of the Arun Local Plan, policy 2 of the Arundel Neighbourhood Plan and policy AR1 of the emerging Arundel Neighbourhood Plan subject to other specific policies.

In this case, the key policies are D DM1, EMP DM1, RET SP1, RET DM1, HER DM1 & HER DM3 of the Arun Local Plan. Additionally, policies 14 & 15 of the Arundel Neighbourhood Development Plan and policies AR4 & AR5 of the Emerging Arundel Neighbourhood Plan apply.

Arun Local Plan (ALP)

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Impact which will be assessed under the Residential Amenity section of the report below.

Policy HER DM1 states that consent will be granted for proposals that preserve or enhance the historic character, qualities and special interest of the Listed Buildings.

Policy HER DM3 states that consent will be granted for proposals that preserve or enhance the character and appearance of the Conservation Area.

Policy RET SP1 states that the hierarchy of Town Centres will be retained. Arundel is to maintain its existing role as a service centre providing both a range of shops and services for the local population and fulfilling a role as a tourist and visitor destination. Primary and secondary shopping frontages apply.

Policy RET DM1 permits the re-use of upper levels for residential, commercial and community purposes providing it would not inhibit business needs for retail expansion, have an adverse impact on neighbouring properties and minimises noise intrusion.

Policy EMP DM1 seeks to direct office development to the town centres

Arundel Neighbourhood Plan (ANP)

Policy 14 Arundel Town Centre. The Plan designates a Primary and a Secondary Shopping Frontages. The site concerned is above a primary shopping frontage at first and second floors and as such the proposal does not affect the shopping frontage.

Policy 15 supports proposals for new B1 business uses provided they do not lead to the loss of A1 shops.

Emerging Arundel Neighbourhood Plan (EANP)

Policy AR4 Town Centre

The provisions of the Local Plan (Policy RET DM1) will be supported when considering proposals for the change of use along the primary and secondary shopping frontages in the town centre.

Policy AR5 Business Hubs

Proposals for development of new B1 business uses will be supported provided they do not lead to the loss of an active ground floor Primary or Secondary Frontage in the Arundel Town Centre. A further caveat is that the use does not harm local residential amenity.

CHANGE OF USE

The change of use of the first and second floor of a retail unit within the Primary frontage of the town centre from retail use to B1 business use is not considered to impact on the ground floor shopping frontage. The offices above have a separate entrance door, corridor and stairway such that they operate entirely separately from the ground floor A2 use. As a result the development is not contrary to policies RET SP1 & RET DM1 (2) of the Arun Local Plan, policy 14 of the Arundel Neighbourhood Plan and policy AR4 of the emerging Neighbourhood Plan.

Furthermore the use of the premises for B1 use as offices, provided the ground floor shopping frontage remains unaffected, is supported by policies RET DM1 (5) EMP DM1 of the Arun Local Plan, policy 15 of the Arundel Neighbourhood Plan and Policy AR5 of the Emerging Arundel Neighbourhood Plan.

It is noted that Policy AR5 of the Emerging Arundel Neighbourhood Plan explicitly encourages the use of 'vacant space (for B1 business uses) above the ground floor of some town centre uses that is not required to support those uses.' , 'provided an active frontage is retained', This is the case in this retrospective development where an A2 use of financial and professional services for visiting members of the public has been preserved at ground floor.

RESIDENTIAL AMENITY

The application for change of use is retrospective and the use has been ongoing for 4 years and no complaints have been received or made at consultation stage on this application and therefore given its town centre location the noise generating impacts of the proposed use are considered to be acceptable.

The application is considered to be in accordance with D DM1(3) and policy RET DM1 of the Arun Local Plan and Policy AR5, all of which seek to protect local residential amenity.

HERITAGE ISSUES

The proposed development is only for a change of use at first and second floors. The historic fabric of the building internally and externally would not be affected in any way.

As the development does not affect the Listed Building, its setting or the Conservation Area, the authority is considered not to have to have regard to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

The proposal would not have any impact on the Listed Building or the Conservation Area and is therefore considered to comply with policy HER DM1 & HER DM3 of the Arun Local 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

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:

Proposed Plans Dwg.no. 3712.PL.01 dated 13.05.2019

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 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.