

Planning Statement.

Change of use from D1 Beauty Salon to C3 residential (2 bedroom flat) for the ground floor property at 69 High Street and the basement property at 2c Maltravers Street, Arundel

June 2013



Project Name: Planning Application Change of Use

Location: 69 High Street Arundel and 2c Maltravers Street, Arundel.

Client: Ian Tainsh and Brett Waugh Co-Executors George Tainsh's Estate.

File Reference: P1094

Issue	Date	Author	Checked	Notes
PL1	13.06.2013	C Barker	J Cogan	Client Draft
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Introduction

This report has been produced on behalf of Mr Ian Tainsh and Mr Brett Waugh; Co Executors for the estate of George Tainsh, to support this application for the following;

Change of use from D1 Beauty Salon to C3 residential (2 bedroom flat) for the ground floor property at 69 High Street and the basement property at 2c Maltravers Street, Arundel

The report will cover relevant planning policy and guidance and will consider all effects of the proposed development on the site.

The Site and property

The site is located to the northern extent of High Street, Arundel, on the corner of Maltravers Street. Chester House, Beauty Salon occupies both the ground floor of 69 High Street and the basement 2c on Maltravers Street.

The property itself is Grade II listed and lies within the Arundel Conservation Area, however outside of the Mixed Commercial Uses (Policy AREA 20) for Arundel. (marked in red on the plan below)

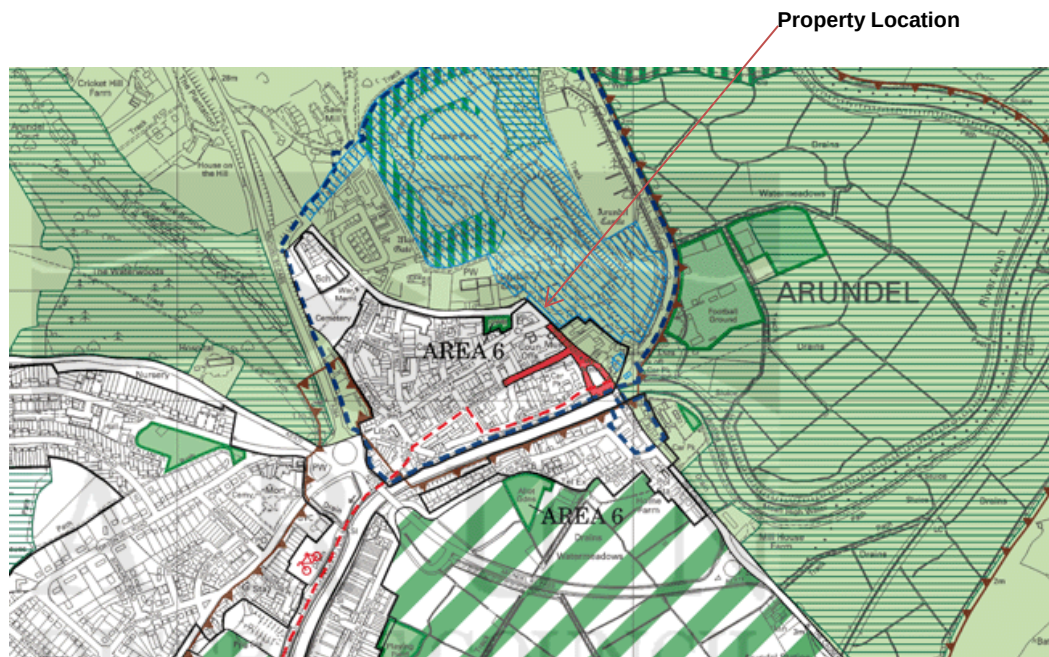


Figure 1 - Location of property



Figure 2 Appearance of property. (note door and window on Maltravers Street to basement (2c) below)

The upper floors of the building are residential in status and the adjoining building 71 High Street (Sefton House) is also fully residential in use. The northern and higher part of the High Street is characterised predominantly by residential properties, with Maltravers Street acting as spatial barrier between the commercial uses to the south



Figure 3 - Image looking south down the High Street from corner of Maltravers Street.

Overall therefore the property is located in an area characterised by residential properties, outside of the defined Commercial zone for Arundel town. The reversion of the property to its former residential use is therefore entirely in keeping with the character of the area.

Planning History

The following history is relevant to the proposed change of use application, however the most relevant consents relate to the change of use of 69 High Street and 2c Maltravers Street from residential to Beauty Salon in 2006.

This application simply seeks to re-instate the former residential use of the properties without any internal alterations.

Reference	Location	Proposal	Status
AB/3/07/A	69 High Street Arundel	1 No. illuminated Hanging sign, 1 No. A board and 1 No. Fascia signs Non illuminated.	Appealed
AB/4/07/L	69 High Street Arundel	Application for Listed Building Consent for various signage.	Appealed
AB/129/06/	Arundel Beauty Clinic 69 High Street Arundel	Change of use from part beauty salon & residential to beauty salon (Sui Generis)	Approve Conditionally
AB/130/06/L	69 High Street & 2C Maltravers Street Arundel	Application for Listed Building Consent for internal alterations in connection with change of use to beauty salon (Sui Generis)	Approve Conditionally
AB/67/06/	69 High Street and 2c Maltravers Street Arundel	Part change of use of ground floor from residential to Beauty Salon reception/retail and treatment room for use together with lower ground floor as Beauty Salon retail and treatment room.	Approve Conditionally
AB/114/03/L	69 High Street Arundel	Application for Listed Building Consent for the retention of 6 heraldic shields on east elevation of house at first floor level.	Approve Conditionally
AB/76/02/	2c Maltravers Street 69 High Street Arundel	Change of use from self contained lock-up shop to a studio flat.	Refused
AB/43/02/L	2c Maltravers Street/ 69 High Street Arundel	Application for Listed Building Consent - remove damp & rotten lath and plaster ceiling. Make hole in wall for extractor fan 10cm x 10cm. Render all walls with sand & cement render & bonding finish (retrospective) and proposed installation of new window.	Approve Conditionally
AB/34/99/L	Ground floor flat 69 High Street Arundel	Application for Listed Building Consent for erection of a porch in an enclosed yard. Replacement of an old inspection chamber with a sealed lid.	Approve Conditionally

ECE Planning

AB/35/99/	Ground Floor Flat 69 High Street Arundel	Erection of a rear porch in yard	Approve Conditionally
AB/13/96/L	67 & 69 High Street Arundel	Application under Regulation 13 of the Planning (Listed Buildings and Conservation Acts) Regulations 1990 for 2 street signs, to be affixed to numbers 67 and 69 High Street Arundel.	Approve Conditionally
AB/31/91/L	69 High Street Arundel West Sussex	Application for Listed Building Consent for 1 no. non-illuminated fascia sign	Approve Conditionally
AB/12/91/A	69 High Street Arundel West Sussex	1 no. non-illuminated fascia sign	Apprvd/Cond ADV
AB/28/88	69 High Street Arundel West Sussex	Change of use of lower ground floor domestic storage to a self-contained lock-up shop	Approve Conditionally
AB/29/88/L	69 High Street Arundel West Sussex	Application for Listed Building Consent for change of use of lower ground floor domestic storage to a self-contained lock-up shop.	Approve Conditionally

The Proposal

The proposed change of use simply entails a reversion of the building back to its former and original residential use in the form of 2 bedroom flat within both 69 High Street and 2c Maltravers Street, Arundel.

No internal or external changes are necessary to facilitate the changes and the room layouts are shown as below, providing the majority of accommodation within 69 High Street, with more ancillary accommodation within 2c Maltravers Street. 2c Maltravers Street cannot provide independent residential accommodation due to its location, form and lack of light and ventilation and therefore must provide supplemental accommodation for the unit above.

Policy Overview

Introduction

A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are statutory Development Plans which seek to guide the decision making process. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where the Development Plan contains relevant policies, an application for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the Development Plan comprises the Arun District Local Plan.

The National Planning Policy Framework (NPPF) and Supplemental Planning Guidance are also material considerations.

This section considers how the proposal complies with national, regional, strategic and local planning policy.

National Planning Policy Framework (NPPF)

The NPPF has now replaced all Planning Policy Statements and Planning Policy Guidance Notes providing an all-encompassing document against which to assess the impact of new development.

National Planning Policy Framework

The NPPF is now a material consideration in the determination of planning applications. The relevant parts of the Draft NPPF relate to transport, housing supply, design and sustainability.

The proposal is considered to provide a sustainable and high quality design solution that will provide for a defined need for housing within a highly sustainable town centre location.

Firstly, the NPPF places a presumption in favour of sustainable development that is the basis of every plan, and every decision.

Paragraph 14 States; *At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

For **decision-taking** this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or—specific policies in this Framework indicate development should be restricted*

The proposed change of use is considered to be fully sustainable and would have no adverse impact on the vitality of Arundel Town Centre.

The NPPF places great responsibility on ensuring the vitality of town centres, particularly in the economic downturn. Paragraphs 23 States;

Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*

- define a network and hierarchy of centres that is resilient to anticipated future economic changes;*

- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;*

- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;*

- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*

- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;*

- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;*

- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;*

- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and*

- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.*

The NPPF is therefore clear that residential development has a key role to play in ensuring the vitality of town centres. The maintenance of a clear distinction between commercial and residential north and south of Maltravers Street (as defined under Policy AREA 20) is considered to have no adverse impact on the economic vitality of the town and the mixture of uses is considered to promote increased footfall in the town to the benefit of the economic well-being of existing shops, restaurants and other commercial uses.

Furthermore the NPPF provides clear guidance to planning authorities on ‘delivering a wide choice of high quality homes’ to meet locally identified housing needs. Paragraph 49 clearly states that; ‘*Housing applications should be considered in the context of the presumption in favour of sustainable development.*’ Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

In this regard Arun District Council cannot demonstrate a five year supply of housing and therefore the presumption in favour of the provision of a new residential unit should take precedence.

Paragraph 51 is also pertinent in respect of this empty commercial building, which is considered to have no likely future potential for commercial development in any appropriate use class.

51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Overall therefore the Framework make a clear and positive presumption in favour of new residential development in sustainable locations, where there are no significant adverse impacts associated with the change of use.

Strategic Planning Policy – Arun District Local Plan

This document provides both spatial planning tools in respect of the proposals maps and written policies to support the Districts future planning aspirations.

The site lies within the Arundel Conservation Area, but outside the Mixed Commercial Use Area for Arundel.

POLICY AREA20 Arundel Shopping Frontage does not therefore apply;

Within the designated frontages in Arundel town centre, as defined on the Proposals Map, the loss of commercial uses at ground floor level will not be permitted, unless it can be demonstrated that the commercial use is no longer viable.

The following policies are however considered relevant to the proposed development/change of use.

POLICY DEV23 Conversions of Existing Buildings to Form a Number of Residential Units states;

Within the built-up area, planning permission will be granted for the conversion of buildings to form a number of residential units, providing that:

- i. the number of units/occupiers proposed can be accommodated in a manner which provides a satisfactory standard of amenities and facilities in relation to:
 - a) internal floorspace,
 - b) sanitary/kitchen facilities,
 - c) adequate access for all occupiers to external amenity space for the storage/collection of refuse, drying of clothes, sitting out, etc.,
 - d) adequate pedestrian access can be achieved to each unit without detriment to the amenities enjoyed by other occupiers of the building or adjoining properties;
- ii. it is demonstrated that provision can be, or has been made for adequate sound insulation to prevent possible noise disturbance to neighbouring properties and independent units within the building itself.

The proposed conversion of this property back to residential use can comply with items,(i) a,b,d and (ii) however (i) c cannot be accommodated as the building provides for no outdoor amenity space. This was however the case previously and this cannot be addressed due to the buildings siting, layout and form.

It is therefore considered that this policy is addressed as satisfactorily as practicable and the provision of a new residential unit should be acceptable in principle.

Draft Arun District Local Plan

The forthcoming New Local Plan (unlikely to be adopted until late 2014) does contain policies in respect of loss of commercial premises generally, with reference to marketing and need.

Policy DM3 of the Draft Local Plan states;

Protection of Existing Premises and Sites

Existing employment sites and premises will be protected where there remains a good prospect of employment use. Excepting Permitted Development Rights or Local/Neighbourhood Development Orders, change of use from Business Class (B1-B8) or similar sui generis(28) uses will not be permitted unless:

- 1. It is demonstrated that the site is no longer required and is unlikely to be re-used or re-developed for industrial/commercial purposes. This should include clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the proposed use - using a methodology to be agreed by the District Council at pre-application advice stage; or*
- 2. Where acceptable to the Council, alternative land/premises or an equivalent financial contribution will be provided to enable the business uses to relocate or be replaced elsewhere; or*
- 3. The existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.*

Whilst the existing use does not fall directly to be considered as a business use, the previous employment use will be considered in the Appraisal Section of this report, justifying fully why it is no longer viable or suitable.

Planning Appraisal

Proposal; Change of Use Ground Floor 69 High Street and basement 2c Maltravers Street Arundel from D1 Beauty Salon to C3 Residential (2 bedroom flat)

Planning Principles.

The existing building provides for a beauty salon across 2 floors with 2 separate entrances at ground and basement floor level. The building is therefore classified as falling within Use Class D1, where changes of use to other commercial uses are not permitted.

Notwithstanding this, under the provisions of Part 3 Class F of the General Permitted Development Order the space above shops can be converted into a single flat without planning permission.

"Making it easier for the space above shops and other town centre uses to convert to residential will increase the supply of housing and gives clear encouragement to owners to look carefully at the potential offered by their properties," the Government said in its response.

"Helping more people to live in the town centres will contribute to wider regeneration, reduced commuting and ensuring town centres remain vibrant places."

Loss of the Commercial Premises.

The property as existing has been marketed extensively by dual agents Sims Williams (July 2012) and Spratt and Son since February 2013.

The property has been reduced in price on several occasions in response to the marketing agents advice, however the overriding advice is that a commercial use of the building is not viable in this location. It is therefore recommended that alternative and residential use would be the only viable proposition for sale of the property in the current market.

As previously discussed, the commercial market continues to be challenging with lending difficult to come by for owner-occupiers and cash investors expressing a lot of caution, especially with properties at the higher end of the market place and with vacant possession. We have recently experienced some activity towards the lower end of the investment market but whether or not this filters through to the higher end remains to be seen. (Extract from Spratt and Son Marketing Update 5 June 2013 @ Appendix A)

In this regard, the sale of the commercial property as a freehold entity in respect of the disposal of the estate of the late George Tainsh is having a significant adverse impact on the potential sale. Speculative lending for such commercial properties is very rare and rates are not competitive or viable to enable a business to succeed in these premises.

On the basis of the current valuation of the property any business would need to generate **£40-000-£50,000** per annum profits to justify such a capital outlay. The commercial market at present cannot generate such profits (as shown by the previous use) and therefore one is looking to sell the property to an investor who could let the property at reasonable market rate. Unfortunately due to market conditions unless the investor has an occupier/tenant lined up there is almost no chance of securing such a deal. (see Sims Williams report at Appendix A)

It is therefore considered that the commercial re use of the property is unviable and it should revert to its former state as a residential flat.

Layout, Design and Appearance

The physical internal layout of the property will remain unaltered, with only the use of rooms altered to reflect the proposed residential use.

The ground floor will accommodate a kitchen, lounge(drawing room), dining room and 2 double bedrooms. A small outside courtyard area is available to the rear of the property also.

The basement level could not be used as separate residential accommodation due to the lower levels of light available to the property, but provides for a further reception/games room and study.

Space Standards

The residential dwellings incorporated in the proposed development exceed the internal space requirements for the property size outlined in the Draft Arun District Council Space Standards

Overall, the proposal will provide for a spacious and attractive 2 bedroom flat, with ancillary facilities at basement level to allow potential home working and provide much needed storage.

Car and Cycle Parking

The site is located in a highly sustainable Town Centre location where a zero provision of car parking is considered to be acceptable, promoting the use of public transport and more sustainable means of transport. The scheme can provide for cycle storage at lower ground level in a secure, internal store area. This is considered to be acceptable in sustainable transport terms.

S.106 Agreement

The application is accompanied by a completed S.106 Unilateral Undertaking to provide commuted payments in respect of Affordable Housing. The Unilateral Undertaking commits to a payment of **£11,406** in relation to a 2 bedroom flat in the ward of Arundel. This will be payable on commencement of development or in the case of a change of use, occupation as a residential property.

Conclusions

The proposed conversion of the ground floor of 69 High Street and Basement 2c Maltravers Street to provide residential accommodation is considered to be fully consistent with the policy objectives of Arun District Local Plan and the NPPF, subject to the provision of supporting evidence to justify the loss of the existing, empty commercial floorspace based on current market conditions and the marketability of the existing space.

The proposed re-introduction of residential accommodation in the town centre location is considered appropriate and due to the current suppressed market for commercial floorspace will not inhibit the function of the commercial areas of the town. Indeed the increased footfall in this area as a result of the introduction of new residential accommodation will contribute to the increased vitality of the commercial areas of Arundel.

By providing a large 2 bedroom flat in this town centre location, the proposal addresses the requirement of Arun District Council to provide housing which meet the needs and demands of the range of age groups and household compositions.

Therefore the presumption should be in favour of approving sustainable developments such as that proposed in this application. As set out in the Rt Hon Greg Clark MP's Ministerial Forward to the NPPF;

'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'

Therefore, this application is considered to present the opportunity for the redevelopment of a vacant property and contribute to the regeneration of the wider area, enhancing Arundel Town Centre. It is also considered to be fully coherent with the policy objectives of the NPPF and Arun District Local Plan and therefore the Council are respectfully requested to grant planning consent.

Appendix A

Marketing Information Sims Williams and Spratt and Son June 2013.

Email from Spratt and Son

Dear Mr Tainsh,

Further to your recent email regarding your above mentioned property, I write to update you in respect of the marketing we have carried out so far together with a summary of the activity to date.

Since taking instructions to market the property in February 2013, we have prepared and circulated sales particulars to applicants on our mailing register and to all commercial Estate Agents within the Central London, BN and PO postcodes via the Estate Agents Clearing House.

Internet advertising has taken place on www.sprattandson.co.uk (including being 'Property of the Week' on two occasions – which features on the main homepage), www.daltonsbusiness.com and www.4prop.com. I have no way of telling how many times the property has been seen on our own website or 4prop.com, but I can confirm that the advert on Daltons Business has been viewed 235 times.

Local newspaper advertising has taken place via the commercial section of 'Herald Property' with the premises appearing on a number of occasions, including a half page editorial feature last month.

The above marketing has produced a number of requests for further details, price checks etc and two applicants who have viewed the exterior of the premises but, as yet, we have had no requests for an internal viewing and no offers.

As previously discussed, the commercial market continues to be challenging with lending difficult to come by for owner-occupiers and cash investors expressing a lot of caution, especially with properties at the higher end of the market place and with vacant possession. We have recently experienced some activity towards the lower end of the investment market but whether or not this filters through to the higher end remains to be seen.

I hope this brief email provides you with the information you require, but please do not hesitate to contact me if there is anything you wish to discuss in more detail.

In the meantime, please be assured of our continued best endeavors on your behalf and I will, of course, be straight in touch as soon as there is anything new to report.

Kind regards

Phil