

Recommendation Report for Planning Permission**REF NO:** AB/65/13/**LOCATION:** 69 High Street
Arundel**PROPOSAL:** Proposed change of use of ground floor and lower ground floor from Beauty Salon (D1 non residential institutions) to Residential (C3 Dwelling Houses) in the form of a 2 bedroom flat with separate lower ground floor accommodation. This application affects the appearance and character of the Arundel Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to a change of use of the ground and lower ground floor of the premises to residential use comprising a 2 bedroom flat and separately accessible ancillary residential accommodation. the agents have advised that 2C Maltraver Street(lower ground floor) cannot be independent residential occupation due to its location, form and lack of light and ventilation and therefore can only be utilised as supplemental accommodation for the unit above. The floor plans indicate this area would be used for refuse and cycle storage and as a reception and study area.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Premises are abutting the site frontage
SITE CHARACTERISTICS	The premises occupy a prominent corner site. It comprises a terraced 4 storey property with brick elevations at ground floor used as a beauty salon. Upper floors are used for residential purposes. Residential uses adjacent to site.
CHARACTER OF LOCALITY	Premises are located at the top of High Street outside of the main shopping area, but within the town centre.

RELEVANT SITE HISTORY

AB/67/06/	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.	ApproveConditionally 13-07-2006
AB/129/06/	Change of use from part beauty salon & residential to beauty salon (Sui Generis)	ApproveConditionally 10-11-2006

REPRESENTATIONS

Representations received:

Arundel Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Fluvial Flooding)

Consultations responses received:

Engineers - No Objection

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Within Conservation Area

Grade 2 Listed building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[AREA2](#)

[AREA20](#)

[GEN7](#)

Conservation Areas

Arundel Shopping Frontage

The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 and the impact on the character and appearance of the Conservation Area and Listed Building.

The Development Plan consists of the Arun District Local Plan 2003.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

LISTED/CA

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." This proposal does not require Listed Building Consent since no internal or external changes are involved.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of 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 proposal relates to change of use of the premises only and does not include any external fenestration details or internal layout changes.

The site is located outside of the main retail/commercial area of the town centre and is excluded from the area covered by policy AREA20 'Arundel Shopping Frontage'. The predominant use in this part of High Street is residential. The upper floors of the application building are used for residential purposes and so is the adjoining property (no.71) indeed the site history for the application site indicates the premises were previously used for residential purposes. The proposed use is therefore entirely in keeping with the character of the area and there would be no adverse effect on the character of the Conservation Area.

The agents have advised that the property has been marketed by 2 estate agents. One from July 2012 and the other from February 2013. The property was reduced in price on several occasions, but the overriding advice was that a commercial use was simply not viable in this location.

The proposal would result in the loss of a commercial premises, but this is considered acceptable given the previous residential use of the site ,the residential use of adjoining premises and the viability of the premises for commercial use. The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 no negative 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).

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 site layout and floor plans P1094 04
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.