

Recommendation Report for Planning Permission**REF NO:** AB/76/14/PL**LOCATION:** 1 Quay House
River Road
Arundel**PROPOSAL:** Awning to North & East elevations. This application affects the character & appearance of Arundel Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal is for 3 awnings above the shop fronts at ground floor level each projecting 1.4m. 2 would be located on the east elevation and one on the north.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To pavement frontage is open
SITE CHARACTERISTICS	Relatively new wharf style 3 storey building. Retail/ commercial use at ground floor. Residential above. Dark stained cladding and brickwork to elevations. Windows have black frames.
CHARACTER OF LOCALITY	Town centre location characterised by a mix of retail and commercial uses at ground floor and residential/commercial at first floor.

RELEVANT SITE HISTORY

AB/144/03/	Change of use from A1 (Shops) to A3 (Food & Drink).	ApproveConditionally 09-10-2003
AB/27/05/	Change of use of land from pedestrian walkway to seating area to be used in conjunction with cafe (Resubmission following AB/174/03)	ApproveConditionally 08-06-2005

REPRESENTATIONS**Representations received:**

Arundel Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Economic Regeneration

Consultations responses received:

Conservation Officer - The proposal is for a number of canopies on a corner property. As the property is located on a corner at the base of the high street, it has the potential to have an impact upon the conservation area.

Having viewed the information can it be confirmed if the canopies will always be projecting out, or will they only be used during certain time periods? Careful management of the canopies so that they are not always left out will be supported.

It is considered that the colour of the canopies and the design upon them are acceptable to the property and local area, and will not have a negative impact upon the character or appearance of the conservation area.

Conservation Area Advisory Committee - No Objection

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Class C road

Conservation Area

Abutts river Arun

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[AREA2](#)

The Form of New Development
Conservation Areas

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

HER SP1 The Historic Environment
HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

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.

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

Paragraph 215 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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 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. Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 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 fenestration details of the building have been little changed since the building's original construction. The proposed alterations would increase the commercial presence of the occupier in a town centre location and would contribute to the vibrant appearance of the area. The awnings would be readily visible from several road frontages within the Conservation Area, but given the limited projection of the awnings from the face of the building they are considered acceptable in this location. The applicant has advised that the awnings will only be unfolded when the premises are open which would reduce their visual impact and this is to be controlled by condition. No details of the colour of the awnings are included on the application drawings although they are indicated black on the indicative photograph, the final colour of the canvas is therefore to be controlled by condition. With these controls in place it is not considered that the proposal would detract from the character or appearance of the building or that of the Conservation Area. The Conservation Officer has raised no objection.

There would be no impact on residential amenity.

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 neutral 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 14016/01.

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 Precise detail of the colour of the awnings hereby approved shall be submitted to and approved by the Local Planning Authority before development is commenced and the colour so approved shall be used in the development.

Reason: In the interests of the visual amenities of the locality in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.

- 4 The awnings hereby approved shall only be utilised and extended when the premises are open for business.

Reason: In the interests of the visual amenities of the locality in accordance with policies AREA2 and GEN7 of Arun District Local Plan

- 5 **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.