

Recommendation Report for Planning Permission**REF NO:** EP/175/14/PL**LOCATION:** 113 Sea Road
East Preston**PROPOSAL:** Change of use of retail (A1 Shops) to business (B1 Business) including new shop front.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	63 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open site frontage
SITE CHARACTERISTICS	The premises is a 4 storey end of terrace unit. The proposal relates to the ground floor shop unit which is currently empty. The previous use was as a skin and body clinic. The existing shop front is white painted with the entrance door centrally located. Parking exists in front of property in lay-by. Upper floors are in residential use.
CHARACTER OF LOCALITY	The site is located in a neighbourhood shopping area which comprises a dry cleaners, barbers, 2 public houses, a cafe, indian and chinese restaurants, newsagent/convenience shop, parish council offices, insurance office, consulting rooms and a business suppliers shop.

RELEVANT SITE HISTORY

EP/1/06/	Change of use of hairdressing salon store (Class A1) to a beauty room (Class D1) to be operated as part of the salon	ApproveConditionally 21-02-2006
EP/73/61	New shopfront conversion of garage to store and porch	Approve 02-08-1961

None

REPRESENTATIONS

Representations received:

East Preston Parish Council

No Objection

East Preston and Kingston Preservation Society - Objection - The proposed alterations to the shop front are undesirable and should not be permitted. Parade Mansions has been proposed as an addition to Arun's Local List of Buildings of Character in the East Preston Neighbourhood Plan. The building can be regarded therefore as a non-designated heritage asset and the effect of the application on the significance of the building should be taken into account in determining the application. The proposed change to the shop front would adversely affect the appearance of the building, because it would be out of character with other shop fronts. The entrance could remain in the middle of the shop front.

Comments on Representations received:

The premises are not statutorily protected. The Neighbourhood Plan is still to be made on 11-03-2015, but it is accepted that the premises can be regarded as a non-designated heritage asset. Further the visual impact of the change in shop front is a material planning consideration which includes the effect of the development on the character of the area. The shop fronts at Parade Mansions differ and have no unifying design or form. The consulting rooms to the north have recessed door positions and have retained more original features than the application shop front, which is more modern in appearance and does not mirror the design of any other shop front.

The proposed design of the shop front has been amended and the base of the window will be rendered to create the appearance of a stall riser. This has reduced the amount of alteration proposed to the shop front and it is considered that the amended design is acceptable and has no adverse effect on the heritage asset.

CONSULTATIONS

Estates Manager

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[DEV30](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Local and Village Centres
D DM1 Aspects of Form and Design
Quality
D SP1 Design
RET DM1 Retail Development
RET SP1 Hierarchy of Centres

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. East Preston Neighbourhood Plan is due to be made on 11-03-2015.

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.

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 premises is located in a local village centre and therefore the proposed change of use of the premises from retail would only be supported if it complied with policy DEV30 of Arun District Local Plan and satisfactorily demonstrates that retailing is no longer a viable use, particularly if the premises have remained vacant for a long period and that reasonable attempts have been made to market the premises for retail purposes.

The applicant has confirmed that the premises have been marketed for 18 months and that the premises have been empty for nearly 2 years and have been actively marketed locally for a prolonged period. An advert was placed in the shop window. 3 viewings were made, but no offers were forthcoming. Local estate agent's were not optimistic about the opportunity for renting the premises. Retail uses struggle to survive in the area. The submitted surveyor's report states 'it would be fair to say that due to changes in shopping trends the number of retail uses within the parade and a further parade opposite are more than can reasonably be supported by their catchment area. As a result a number of these units have already switched from retail to office or restaurant/cafe use. The switching is likely to continue over the short to medium term'. It is therefore considered that on this basis the proposal accords with policy DEV30 of Arun District Local Plan.

With regard to changes to the shop front these have been amended during the life of the application. Previously the stall riser was removed, but this is now to be replaced and not removed completely. The shop front does not mirror others in the parade. Only one other door is centrally positioned and stall risers vary in height and design as do the top window portions. The door is not recessed as other units are to the north. The lack of uniformity and modern appearance of the shop front means that its replacement would not be unacceptable in principle. The new shop front retains a stall riser and smaller openings to the top. The movement of the door to one side would be in keeping with other units and does not detract from the appearance of the building or character of the area. The unit to the south has a grey colour shop front and others in the row are white or cream. The application form refers to coated aluminium grey, but the precise colour and materials are to be conditioned since they are not indicated on the submitted plans. The preference would be for a white colour to be used. Subject to satisfactory detail there would be no adverse effect on the visual amenities of the locality.

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 Drawing 1 (dated 27-01-2015) and Drawing 2.

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 No development relating to the replacement shop front shall be carried out unless and until a schedule of materials and finishes to be used for the shop front have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the shop front.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **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.