

Recommendation Report for Planning Permission

REF NO: LU/70/22/PL

LOCATION: 55A High Street
Littlehampton
BN17 5EJ

PROPOSAL: Change of use from travel agent Use Class E (a) (previous use class A1) to Nail Salon (Sui Generis). This site may affect the setting of a listed building and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks planning permission for change of use from travel agent Use Class E (a) (previous use class A1) to Nail Salon (Sui Generis). The proposal also comprises some minor internal alterations by way of removal and reconfiguration of non-structural partitions. Bin storage and space for cycle provision are provided to the rear of the property. The proposals are illustrated on the accompanying proposed ground floor plan. No alterations to the facade or shopfront are sought under this planning application.
BOUNDARY TREATMENT	The application site is flanked by other adjoining commercial units (premises). On the right is Costa (No. 55 High Street) and Bonmarche (No. 57 High Street).
SITE CHARACTERISTICS	The application site (No. 55A High Street) is an A1 retail unit (formerly Tui Travel) in a two storey building with ancillary services on the first floor. The application site is within the Primary Shopping Area as indicated on the Arun Local Plan maps.
CHARACTER OF LOCALITY	Predominantly retail with business with some flats above.

RELEVANT SITE HISTORY

LU/247/21/PL	Change of Use from travel agent to sunbed/tanning studio.
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Planning history noted.

REPRESENTATIONS

LITTLEHAMPTON TOWN COUNCIL - no objection to the application

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC DEVELOPMENT - no objection to this application.

ENVIRONMENTAL HEALTH - no adverse comments about the proposed scheme subject to the following considerations (construction hours and odour).

CONSERVATION - the impact of the proposed development would result in no harm to the setting of the designated heritage asset, and therefore not harm its significance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Within Town Centre

Primary Retail Frontage

Flood Zone 3

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 9 Local Centres

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 relevant policies (1 and 9) of the Littlehampton Neighbourhood Development Plan would apply.

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 that the proposed development is not considered to have any significantly harmful impact upon the character of the locality, or the residential amenities of nearby dwellings.

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**

In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun Local Plan mainly D DM1, D SP1, RET SP1 and RET DM1 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area and retail development. This scheme was revised to be in line with the previously approved planning permission (LU/328/18/PL) . The proposal is considered to be in keeping with its urban setting and to accord with policy. The Littlehampton Neighbourhood Plan (2014) contains the following policies relevant to principle considerations:

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site. The proposal would accord with this policy.

Policy 9 - designates local centres in the following locations, as shown on the Proposals Map:

Within the local centres the Neighbourhood Plan:

- supports proposals for the development of A1-A5 uses*, provided the number of A2-A5 uses does not exceed 50% of the proportion of the total number of A1-A5 uses in the local centre;
- resists the change of use of existing A1-A5 uses to non-A1-A5 uses, unless it can be clearly demonstrated that the A1-A5 premises have been actively marketed and no demand exists for the continuation of that use.

The principle of the development is acceptable subject to accordance with policies RET SP1, RET DM1 and D DM1 of the Arun Local Plan and the relevant policies (1 and 9) of the Littlehampton Neighbourhood Development Plan. The proposal is located within a sustainable location (in that it is well served by local bus services and is located within a suburban centre or shopping parade with associated public parking, alongside other community facilities at a local centre) and therefore the proposal complies policy SD SP1, SD SP2 and HER DM2 of the Arun Local Plan.

DESIGN AND VISUAL AMENITY

J.01 of the Arun Design Guide outlines that built form and character varies considerably throughout the Arun District as a whole and in the settlement character areas identified in Section C.05 of the Design Guide. Section J.02 (scale and mass) ensures that the scale and massing of development responds to the existing townscape and landscape.

The proposal also comprises some minor internal alterations by way of removal and reconfiguration of non-structural partitions. Bin storage and space for cycle provision are provided to the rear of the property. The proposals are illustrated on the accompanying proposed ground floor plan. No alterations to the facade or shopfront are sought under this planning application.

The proposed change of use will not be visible in the street scene and will not have an impact on the character and appearance of the area and will not have adverse effect on the High Street. The proposal includes minimal alterations to the external appearance of the property. The building has a distinctive character, no alterations to the shop front are proposed to respect the character of the host building and street scene. The existing joinery style, design and elevational treatment will be retained.

Given that the surrounding properties are of mixed design and style, this proposal will not appear out of keeping and will be in accordance with Policies D DM1, D DM2 and D SP1 of the Arun Local Plan and the Arun Design Guide.

NEIGHBOURING AMENITY

The proposed change of use from travel agent to nail studio (sui generis) with minor internal alterations and no external alterations will not have unacceptable adverse impact upon the amenities of adjoining occupiers. The proposed development will maintain the existing footprint and internal floorspace. It will therefore not result in overshadowing, enclosure effect, overlooking or loss of privacy to neighbouring properties. Furthermore, the proposed development will not generate substantial noise that will exacerbate noise condition on the site.

The proposal will not result in nuisance and significant pollution to necessitate refusal. However, the Environmental Health Officer recommended construction hours and odour conditions to be attached to protect the amenities of neighbouring occupiers. The proposal would not therefore adversely impact on the amenities of adjoining properties and is compliant with policy D DM1(3) and D DM4(c) of Arun Local Plan.

IMPACT ON TOWN CENTRE

Policies RET SP1 and RET DM1 of Arun Local Plan which seek to retain the hierarchy of town centres and retail uses at ground floor along primary shopping frontages. The proposed change of use from retail to sui generis will be acceptable in this instance because of other material considerations which includes making more effective use of land, contributing to the vitality and viability of town centre area and reduction in voids in the town centre uses (property market). The residential use of upper floors is acceptable and accords with the National Planning Policy Framework (NPPF) para 85(f) which recognises that residential development often plays an important role in ensuring the vitality of local centres. The proportion of non-retail uses in this town centre and primary shopping area location is considered to be less than 50% and this complies with Policy 9 of the Littlehampton Neighbourhood Plan.

HERITAGE IMPACT ASSESSMENT

Para. 194 of NPPF stipulates that the significance of heritage assets affected, including any contribution made by their setting. Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para. 202).

ALP policy HER SP1 states that development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

The application property is neither a listed building, conservation area, area of character, locally listed building scheduled monument nor development within historic parks or gardens. The nearest listed building to the application site is 72 High Street, which is located on the southern side of the road (to the southeast). It is identified as a mid C19 building with architectural significance. There are also a number of Locally Listed Buildings or Structures of Character (non-designated heritage assets) in the immediate area, all of which contribute to the character and appearance of the local area. The application was supported with a heritage statement.

The proposed change of use would not incorporate any external alterations to the building and would still reflect the town centre function, and as a result will not be out of character or cause harm. The Conservation Officer concluded that the impact of the proposed development would result in no harm to the setting of the designated heritage asset, and therefore not harm its significance.

Therefore, the proposed change of use complies with policies HER DM1, HER DM2 and HER SP1 of the Arun Local Plan.

RETAIL DEVELOPMENT

Policy RET SP1 - Town Centres of the Arun Local Plan states that 'Bognor Regis and Littlehampton will be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development. The Council will positively welcome developments and initiatives aimed at the sustainable economic growth and social wellbeing of the town centres. Such developments will diversify customer choice, aid economic resilience, improve quality both in design and the range of facilities and enhance competitiveness.' The proposal will continue the role of the Littlehampton Town Centre as a focus for retail and leisure development.

Policy RET DM1(2) - Town Centres uses within primary and secondary shopping frontages stipulates that along the primary or secondary shopping frontages, as defined on the Policies Map, proposals for

retail (Use Class A1) will be permitted. Proposals for financial and professional services (Use Class A2) uses and food and drink premises (Use Class A3) will be permitted provided that:

- a. the proposal would not create a concentration of non-retail uses to the detriment of the vitality of the town centre;
- b. Provision is made for a window display, appropriate to a shop front, which is in keeping with the character of the shopping area; and
- c. There is no detrimental effect on the character or amenities of the area through smell, litter or noise.

The Council will require evidence that the unit has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative retail uses have been fully explored.

Policy 9 of the Littlehampton Neighbourhood Plan states that the Neighbourhood Plan:

- supports proposals for the development of A1-A5 uses*, provided the number of A2-A5 uses does not exceed 50% of the proportion of the total number of A1-A5 uses in the local centre;
- resists the change of use of existing A1-A5 uses to non-A1-A5 uses, unless it can be clearly demonstrated that the A1-A5 premises have been actively marketed and no demand exists for the continuation of that use.

The proposal falls within the Primary Shopping Area as highlighted on the Arun Local Plan. It is considered that the proposed change of use will not create a concentration of non-retail uses to the detriment of the vitality of the town centre. The Economic Development Team has no objection to this application. Furthermore, the application is supported with evidence that the application site has been actively marketed and no demand exists for the continuation of use as Travel Agent (A1).

Therefore, a change of use from a Travel Agent (Use Class E) to Nail studio (Sui Generis) in this instance accords with Policy 9 of Littlehampton Neighbourhood Plan and Policies RET SP1 and RET DM1(2) of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that: (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage.

The ADC Parking Standard does not have parking standards directly applicable to sui generis. However, the change of use from Travel Agent (Use Class E) to Nail Studio (Sui Generis) will not result in significant change in the traffic and parking demand such that will exacerbate the parking arrangement on site,

In addition, the application site is sustainably located and there are alternative modes of transport available to future occupiers which include public transport, number of bus stops and a railway station close to and within the Town Centre. Therefore, the proposal would comply with policy TSP1 of the Arun Local Plan.

FLOODING AND FLOOD RISK

The application site lies within Flood Zone 3 (High probability of flooding), but the residential development would be located above the worst case flood scenario level. The existing footprint will be retained and the level of flood vulnerability will not change. The proposed change of use will not significantly exacerbate the site's surface water drainage condition to justify a refusal. The proposal is therefore compliant with Policy W DM2 of Arun Local Plan.

SUSTAINABILITY

Given that the application sites are situated within Littlehampton Town Centre and it is accessible by both bus and train, it is considered that the Town Centre is a sustainable location. The proposal would comply with policies SD SP1 of the Arun Local Plan and Policy 1 of the Littlehampton Neighbourhood development 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 -

Site Location and Site Plan (1:1250 and 1:200);
Block Plan - (1:500) OI1518334.

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 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of The Adopted Arun Plan 2011 - 2031.

- 4 Before the use hereby permitted commences, equipment to control the emission of fumes / odour due to nail varnish chemical from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 5 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.