

Recommendation Report for Planning Permission

REF NO: R/106/20/PL

LOCATION: First Floor
20 Churchill Parade
The Street
Rustington

PROPOSAL: Change of use from beauty salon (sui generis) to a flexible use of beauty salon (sui generis), nail bar (sui generis), non-residential institution (D1), retail (A1), financial and professional services (A2) and office (B1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	81 sq.m.
SITE CHARACTERISTICS	A first floor premises last used as a beauty salon
CHARACTER OF LOCALITY	Rustington village centre with a variety of retail and other town centre uses.

REPRESENTATIONS

Rustington Parish Council - No objection.

No neighbour letters of representation have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Environmental Health - No objection in principle subject to conditions/informatives.

ADC Economic Development - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
QEDM1	QE DM1 Noise Pollution

Rustington Neighbourhood Plan 2014 Policy 6 Local Employment**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 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 Neighbourhood Development Plan

Policy 6 - 'Local Employment' of Rustington Neighbourhood Plan is relevant to consideration of this application.

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 not considered to conflict with relevant Development Plan policies in that the uses would not have a materially adverse effect on the residential amenities of the adjoining properties and not have an adverse impact upon the vitality of the town centre

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The proposal is to permit a wide variety of uses in order to maximise the chances of letting out the unit

Policy RET SP1 identifies Rustington as a 'Local Service Centre' that provides a good range of shops serving the local population, together with a range of other services and facilities. The policy advises that the Council will welcome development and initiatives that add diversity to the centre to aid economic resilience and vitality.

The Council's intention to maintain the existing hierarchy of retail centres within the District is set out in Policy RET DM1, which also advises that development proposals that accord with this objective will be permitted, provided that criteria relating to design standards, accessibility by public transport, equal access and crime prevention measures are met.

Rustington Neighbourhood Plan Policy 6: Local Employment states 'Proposals which would result in the loss of an existing employment or business use will be resisted, unless it can be demonstrated that the existing use is no longer viable. Proposals to expand an existing employment or business use will be supported, provided that any impact on flood risk, local amenity, traffic and landscape can be satisfactorily mitigated.' The continued use of the premises for retail purposes would sustain employment at the site. An A3 use may provide more employment opportunities and they would not be at the expense of the vitality of the shopping area or residential or visual amenity.

Paragraph 85 of the NPPF advises that planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Local authorities should promote their the long-term vitality and viability and define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre. This has occurred and the site is located above a Primary Shopping Frontage as defined in Arun Local Plan.

USES PROPOSED

The use of the premises for a beauty studio or nail bar is akin to the existing use and is considered acceptable.

The use of the premises for retail use and /or A2 use is considered acceptable given its location above a Primary Shopping Frontage.

The use of the premises for office use is considered acceptable as it is a use with limited impact on surrounding uses.

The use for the premises as a D1 non-residential institution is considered acceptable as there are no residential uses on the first floor above shops at the location where it is proposed such that no harm to residential amenity would be caused. In addition to general operation hours a specific condition is proposed were a D1 use to be implemented to control noise output.

SUMMARY

The permission for a wide variety of uses would assist in the letting out of the premises, be compliant with retail policy which seeks to provide a diversity of uses on local service centres and would not harm residential amenity of any nearby residential properties.

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:

First Floor Plan - Dwg.no. Plan B
Block Plan - date produced 13 Jun 2020.

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 Prior to the first use of this premises for a D1 use class, details of any plant, including ventilation and air conditioning and/or ducting system to be used and the method of control of noise and vibration from this plant, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the Approved Details. The scheme shall ensure that noise and vibration generated at the boundary of any nearby noise sensitive property shall not cause detriment to the amenity.
The equipment installed and commissioned shall be maintained in good condition and operated in compliance to the Approved Scheme whenever it is in operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason; In order to comply with policy QE DM1 of the Arun Local Plan with regard to noise pollution.

- 4 Business hours of operation are to be 08:00 to 20:00 hours Monday to Saturday and 09:00 to 18:00 on any Sunday Public, or Bank Holiday.

Reason: In order to safeguard residential amenity in accordance with policy D DM1 of the Arun Local Plan

- 5 Goods Deliveries: No delivery activities shall take place other than between the hours of 08:00 to 18:00 Monday to Saturday, with no noisy deliveries on Sunday, Public or Bank Holiday.

Reason: In order to safeguard residential amenity in accordance with policy D DM1 of the Arun Local Plan

- 6 INFORMATIVE:The provision and scale of Sanitary Accommodation is to comply with BSEN 6465:2006 as amended. The Code of Practice for the Design of Sanitary Accommodation and Scale of Provision of SanitaryAssociated Appliances. Please contact the Environmental Health Department for further clarification

- 7 INFORMATIVE:Any nail bar is to be provided with a localised system of adequate mechanical extract ventilation

- 8 INFORMATIVE:The provision of staff refreshment facilities must not be in the intervening space to any WC compartment. Further,that a refreshment point is provided in the area where beauty therapy of any kind is likely to promote invitations for customer refreshment.

- 9 INFORMATIVE:The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.