

Recommendation Report for Planning Permission

REF NO: LU/119/14/PL

LOCATION: William Hill Bookmakers
3 High Street
Littlehampton

PROPOSAL: Change of use from business (B1 Business) and residential to 3 No flats (C3 Dwelling House).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to the conversion of the rear portion of the ground and first floor of the premises to residential and amendments to part of the residential layout previously approved under LU/264/13. The resulting development will comprise 3 no.1 bedroom flats. The fourth 2 bedroom unit at first and second floor is excluded from the application. Each of the one bedroom units will have a garden/patio area and access to bin and cycle stores.

SITE AREA

194 square metres

RESIDENTIAL DEVELOPMENT DENSITY (NET) 154 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Flint walling to west to approx. 2m height

SITE CHARACTERISTICS

End of row of shops. Former use of ground floor was a bookmakers. 3 storey property. Flat roofed. Flint wall side elevation adjacent to church. Front painted rendered elevation. Shop front has original posts to each side of frontage. Adjacent retail uses are sports shop and undertakers

CHARACTER OF LOCALITY

Predominantly town centre. Retail uses generally at ground floor with residential/commercial uses above

RELEVANT SITE HISTORY

LU/121/07/	Change of use from first and second floor storage to self contained maisonette to include replacement windows and new windows	ApproveConditionally 16-05-2007
LU/92/13/	Change of use from first and second floor storage to self contained maisonette to include shopfront alterations/new entrance door.	Approved Cond + S106 21-06-2013
LU/264/13/	Change of use to create ground/first floor maisonette and shop front alterations (following approval of planning application LU/92/13/).	ApproveConditionally 09-12-2013

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Environmental Health

Economic Regeneration

Consultations responses received:

Environmental Health Officer

There is potential for noise from existing commercial activities to adversely impact upon proposed residential development. Recommend imposition of a condition.

Comments on Consultation responses:

- comments noted. Condition requested by Environmental Health Officer has been imposed.

POLICY CONTEXT

Designation applicable to site:

Class A road

Primary Retail Frontage

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN32](#)

The Form of New Development
Noise Pollution

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

D DM1 Aspects of Form and Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
QE DM1 Noise Pollution

PLANNING POLICY GUIDANCE

SUPPLEMENTARY 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.

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.

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 site lies within the Primary Retail Frontage of Littlehampton. The use of the front of the ground floor is not affected by this application and therefore there would be no adverse effect on the vitality and viability of the shopping area. Other residential uses exist above other premises and there would be no adverse impact on the character of the area.

With regard to residential amenity and potential noise the upper floors are not linked to adjoining premises, but a commercial use does adjoin the premises to the east side. Environmental Health have been consulted and have no objection subject to imposition of appropriate conditions. There would therefore be no adverse effect on adjoining premises. Permission has previously been granted for the amended shop front and conversion of the first and second floors to 3 flats (LU/92/13 and LU/264/13).

The proposal relates to the conversion of rear commercial and storage space at ground and first floor and includes outside amenity space for each unit in compliance with policy DDM3 of the Emerging Local Plan and the internal room sizes accord with the requirements of policy DDM2. The outside amenity space indicated at first floor level in the form of sun decks could afford overlooking to the adjacent garden and it is therefore suggested that a condition is imposed to ensure adequate screening is provided to preclude direct overlooking. The first floor window in the south elevation of the bedroom to flat 3 is existing and overlooking therefore already exists. The provision of screening to the side of the balcony would reduce the amount of overlooking from this window.

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).

SECTION 106 DETAILS

The proposal relates to amendments to previously approved flats and the creation of a fourth unit at ground floor. The total number of flats that would exist in the premises will total 1 x 3 bedroom unit and 2 x 1 bed flats. An affordable housing agreement has been signed relating to a commuted sum totalling £4,791.

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 plan, block plan, 14.01.03/5B and 14.01.03/6

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The change of use hereby permitted shall not begin until full details of a scheme for sound insulation has been submitted to and approved by the Local Planning Authority. The insulation shall be installed before the premises are first brought into use and shall be maintained in an effective manner thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 No development shall commence until details of the decking and screening to both of the proposed sun decking areas at first floor have been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved details and the screening shall be provided before the units are occupied.

Reason: In the interests of amenity and to protect the amenities of the adjoining residential property in accordance with policy GEN7 of the 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 6 INFORMATIVE: This permission does not purport to grant consent for the revised floor layout to flat 4 at first and second floor which will require the submission of a separate application for consideration
- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing