

Recommendation Report for Planning Permission

REF NO: LU/133/26/PL

LOCATION: Office
34 New Road
Littlehampton
BN17 5AT

PROPOSAL: Change of use from part E(c) Business and part C4 Residential, to C3 Residential.
This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks a change of use from part E(c) Business and part C4 Residential to C3 residential use as a dwellinghouse.

SITE CHARACTERISTICS The site is a two-storey end of terrace property. The ground and first floors of the site are primarily used as offices, with some shared facilities and there is an existing residential unit on the second floor.

CHARACTER OF LOCALITY The site is located within a terrace of residential properties and the wider area is largely residential in character.

RELEVANT SITE HISTORY

LU/403/22/PL	Change of use from C3 Dwelling house to E(c) Commercial. This site is in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 10-03-23
LU/49/10/	Change of use from B1 office to revert back to former use as a residential property.	ApproveConditionally 15-09-10
LU/56/07/	Part change of use from residential to office use	ApproveConditionally 16-04-07

Planning history noted.

REPRESENTATIONS

Littlehampton Town Council - No objection.

No responses were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - No comment.

Environmental Health - No objection.

Environment Agency - No objection subject to conditions.

- The current use of the ground floor includes a residential kitchen and garden room, therefore the ground floor is mixed use.
- The proposed development will only meet the NPPF's requirements in relation to flood risk if a condition requiring there to be no bedrooms on the ground floor is included.

West Sussex County Council Highways - Advice.

- The proposed use is likely to be less intensive than the current residential/office usage.
- There is no vehicular parking, and parking would have to be accommodated on-street.
- There are existing parking restrictions in place which prohibit parking in places that would be a detriment to highways safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The condition requested by the Environment Agency has been attached.

POLICY CONTEXT

Designation applicable to site:

Flood Risk Zone 3

Risk of Surface Water Flooding (1 in 1000)

Locally listed building

Built Up Area Boundary

Economic Growth Area

2km Buffer for SSSI

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
WDM2	W DM2 Flood Risk
EMPDM1	EMP DM1 Employment Land: Development Management
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

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 conflict with relevant Development Plan policies in that it results in a minor loss of office space. However the application complies with the remaining Development Plan policies and would not harm the character of the area or neighbouring residential amenity, or result in an unacceptable increase in flood risk. In the absence of identifiable harm resulting from the conflict, the application has been recommended for approval.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is located within the built up area boundary, and relates to the change of use of an existing building. The development is acceptable in principle, subject to compliance with the relevant development plan policies.

LOSS OF OFFICE ACCOMMODATION

The proposal results in the loss of a small amount of office floorspace from the ground and first floors of the property. ALP policy EMP DM1 states that existing employment sites will be protected, and changes of use from commercial use will only be permitted where it has been evidenced that the site is no longer required for commercial purposes. In this instance, no such evidence has been provided.

However, the amount of office floorspace that will be lost is small, at 63sqm. The Council's Economic Regeneration team were consulted on the application, and responded stating that they had no comments to make on the application. Given the scale of the office accommodation which would be lost, whilst the application technically conflicts with ALP policy EMP DM1, this would not result in harm which would justify refusal of the application.

CHARACTER AND VISUAL AMENITY

The application does not propose any physical alterations to the property, and would not impact the visual amenity of the site.

The site is located within a predominantly residential area, with the remaining properties within the terrace being in residential use. The change of use would not be out of keeping with the character of the area and is in accordance with ALP policy D DM1.

HERITAGE

The site is a locally listed building and as such ALP policy HER DM2 is of relevance, and states that proposals for the alteration of locally listed building should relate sensitively to the building, and preserve features of historic interest. The application does not propose any physical works to the building, and will preserve the significance of the non-designated heritage asset in accordance with ALP policy HER DM2 and the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The application seeks a part change of use of the property and would result in the property being used as a single dwelling under Use Class C3. The site is in a predominantly residential area, with residential neighbours within close proximity of the site. The change of use is unlikely to result in a significant difference in the intensity of use of the property, and any alteration is likely to be a decrease. Comings and goings from the property are likely to be reduced as a result of the proposals, and the application is in accordance with ALP policy D DM1 in that the proposals will not have any adverse impacts on neighbouring occupiers.

TRANSPORT AND PARKING

The proposed change of use would not result in any alteration to traffic and parking arrangements at the site. WSCC highways have been consulted on the proposals and have concluded that the proposed use would be less intensive than the current use, and did not pose any highways safety concerns.

There is no parking associated with the property, and a property of this size would be expected to provide two off-street parking spaces. However, there would be a comparable parking need associated with the existing use, which is currently unmet, and the proposed change of use would not result in any significant change to the parking situation at the site.

The proposal would not result in any significant impacts on highways or parking, and is in accordance with ALP policy T SP1.

FLOOD RISK

The site is located within Flood Zone 3, where development which increases the vulnerability of a site should be avoided. The application has been accompanied by a Flood Risk Assessment which is required by the ALP and NPPF. The application seeks a change of use of the ground and first floor from

office space to residential use, which increases the vulnerability of these two areas as set out in Annexe 3 of the NPPF. The Environment Agency have been consulted on the application, and have concluded that the change of use is acceptable in this instance. The existing ground floor includes some residential facilities which are shared with the office space, and the application does not propose bedrooms on the ground floor. A condition was requested to ensure that this arrangement is retained, and this has been attached to the permission. On the basis that there will be no sleeping accommodation at ground floor level, the proposals do not result in an unacceptable increase in food risk, and are in accordance with ALP policy W DM2 and the NPPF.

SUMMARY

The proposals result in a loss of office accommodation in conflict with ALP policy EMP DM1. However, the loss of this small amount of office space does not result in identifiable harm. The proposals accord with the remaining development plan policies, and therefore the application is recommended for approval, subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL liable.

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:
- Location Plan, Existing Floor Plans and Elevations
 - Block Plan and Proposed Floor Plans
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.
- 3 The development shall be carried out in accordance with the submitted flood risk assessment (26/5/2026) and the following mitigation measures it details:
- No bedrooms or sleeping accommodation will be permitted on the ground floor.
- These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- Reason: To reduce the risk of flooding to the proposed development and future occupants.
- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:
- This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.
- Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.