Recommendation Report for

REF NO: **LU/160/14/PD**

LOCATION: 49a Horsham Road
Littlehampton

PROPOSAL: Prior Notification under Class IA for change of use from off licence (A1 retail) to a 2 bedroom flat (C3 dwellinghouses) with an internal area of 74.38sqm

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application falls to be determined under the provisions of Class IA of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class A1 (retail) of that schedule.

The principle of the development is not in dispute.

Class IA itself states that the consideration of the notification concerns only transport & highway impacts, contamination risks, flooding risks and whether it is undesirable for the building to change to a use falling within Class C3 (dwelling houses) because of the impact of the change of use on adequate provision of services of retail of office use, where there is a reasonable prospect of the building being used to provide such services or where the building is located in a key shopping area, on the sustainablity of that area. However, the Order also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

	(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;" This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 3 issues stated above. Advice has been received from the Department for Communities and Local Government (DCLG) which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 22nd of July 2014. The proposal involves the change of use of part of the ground floor of the existing building from A1 retail use to a two bedroom flat.
SITE AREA	Approx 90 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	111 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Property is located on front site boundary. To rear fencing.
SITE CHARACTERISTICS	Semi deatched property. First floor residential. Adjacent joined unit has a shop (off licence) at ground floor. Pan tiled roof and rendered and brick elevations.
CHARACTER OF LOCALITY	Predominantly residential. Small parade of shops near to public house. 2 other shops remain in the area.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

One letter of objection - These shops have been in existence for over 20 years. Adjacent off-licence is open until 11pm people could congregate outside the proposed flat. Local people

use the shops on a daily basis. Adjoining businesses are not struggling. The shop has not been advertised for rent anywhere.

Comments on Representations received:

The comments made cannot be considered in respect of this proposal. The use of the shop, the extent of use, the impact of late night opening and re-use for retail purposes do not fall within the consideration criteria set out above. The unit is not located in a key shopping area.

CONSULTATIONS

WSCC Strategic Planning
Environmental Health
Economic Regeneration

Consultations responses received:

Environmental Health - Proposal is unacceptable. No kitchen provision has been made. The possible location is liable to be severely restricted.

Comments on Consultation responses:

Comments noted. The lack of a kitchen cannot be considered as part of this application. An informative has been suggested to advise the applicant.

POLICY CONTEXT

Designation applicable to site:
Withn Built up area Boundary
Classified road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The application is determined under the provisions of Class IA of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class A1 (retail) of that schedule.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Class IA of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that the only aspects that can be considered with regard to this prior approval application are transport & highway impacts, contamination risks and flooding risks and whether it is undesirable for the building to change to a use falling within Class C3 (dwelling houses) because of the impact of the change of use on adequate provision of services of retail of office use, where there is a reasonable prospect of the building being used to provide such services or where the building is located in a key shopping area, on the sustainablity of that area. The Act also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under

paragraphs (3) or (4) and any notice given under paragraph (6);
(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

However, the local planning authority is only able to have regard to the NPPF and representations in terms of the issues stated above.

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

TRANSPORT & HIGHWAY IMPACTS:

The proposed change of use from offices to two flats would not lead to a material increase in traffic generation or a change in its characteristics.

CONTAMINATION RISKS:

The site is not contaminated land and the proposed conversion of the building would have no associated contamination risks.

FLOOD RISK:

The site is not located within or near a flood plain or within flood zone 2 or 3.

ADEQUATE PROVISION OF RETAIL SERVICES:

The site is not located in a Principal Shopping Area and other shops to serve local residents remain in close proximity. It is not reasonable to assume that the application unit has a reasonable prospect of providing a retail service. The Local Planning Authority has no powers to ensure re-instatement and retention of the retail use.

SUSTAINABILTY OF KEY SHOPPING AREA:

The unit is not a key to the provision or sustainability of this local shopping area. The retail facilities are not primary or principal.

Therefore, prior approval is required in respect of the above and it is recommended that it be granted.

RECOMMENDATION

NO OBJECTION

1 INFORMATIVE: The layout of the flat is unacceptable from an environmental health

perspective. No kitchen is provided. You are advised to contact Rob Findlay, HMO Officer in this respect.

2 For the avoidance of doubt the approved details are shown on the accompanying plans:-

Site plan
Block plan
Floor plan
submitted on 9th of June 2014.