

Recommendation Report for

REF NO: LU/172/15/PD

LOCATION: 16-18 Beach Road
Littlehampton

PROPOSAL: Prior notification under Class O for change of use from B1(a) offices to C3 dwellinghouses (7 No.)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application falls to be determined under the provisions of Class O of the Town and Country Planning (General Permitted Development) Order 2015 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 B1 (a) (offices) of that schedule.

The principle of the development is not in dispute. Class O itself states that the consideration of the notification concerns only transport & highway impacts, contamination risks and flooding risks. However, the Order also states that the provisions of Paragraph W shall apply in relation to any application and part (10) of paragraph W includes the following:

" 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 (5) or (6) and any notice given under paragraph (8);

(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 17th of July 2015.

The proposal involves the change of use of part of the first and second floors from 11 B1 offices to seven residential flats, comprising 2 studio flats and 5 one bedroom flats. The studio flats and 2 one bedroom flats would be located at first floor and the remaining one bedroom flats at first floor.

SITE AREA	330 sq m approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site comprises the first and second floor of the premises which are located above 2 ground floor retail units in use as a restaurant and photographers/ art gallery/shop
CHARACTER OF LOCALITY	Town centre location. Predominantly retail/restaurants/takeaway uses at ground floor and residential/offices above.

RELEVANT SITE HISTORY

LU/91/05/	Change of use from offices to flats on first and second floors.	Refused 18-05-2005
LU/121/15/PD	Prior notification under Class J for change of use from B1(a) offices to C3 dwellinghouses (7 No.)	Objection 21-05-2015

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Environment Agency

Consultations responses received:

Environmental Health were consulted on the previous identical application and made no comment with regard to contamination. One flat is too small to comply with the size restrictions for one person occupation.

Environment Agency - No flood risk objections to the proposed development. The new dwellings will be on the first and second floors and therefore in excess of 1 metre above the projected 1 in 200 sea level with climate change in 2115.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Principal Shopping Area
Within Built Up Area Boundary
Class B road
Building of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The application is determined under the provisions of Class J 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 B1 (a) (offices) of that schedule.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Class O of the Town and Country Planning (General Permitted Development) Order 2015 (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. The Act also states that the provisions of Paragraph W shall apply in relation to any application and part (10) of paragraph W includes the following:

" 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 (5) or (6) and any notice given under paragraph (8);
- (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 3 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 AND 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.

There was previously no objection from West Sussex County Council Highways department to the proposal.

CONTAMINATION RISKS:

The site is not contaminated land and the proposed conversion of the building would have no associated contamination risks. There was previously no comment from the Environmental Health department in this regard. However one of the flats is of insufficient dimensions to comply with the size restrictions for one person occupation

FLOOD RISK:

The site is located within Flood Zone 3 defined as having a high risk of flooding. The Environment Agency has raised no objection to the scheme given that a Flood Risk Assessment has been submitted for consideration and that the flats are on the first and second floors in excess of 1m above the projected 1 in 200 sea level with climate change in 2115.

ADEQUATE PROVISION OF RETAIL SERVICES:

The site is located in a Principal Shopping Area, but not in a Primary Retail Area. However retail use at ground floor remains unaffected.

REPRESENTATIONS FROM LOCAL RESIDENTS & ASSESSMENT AGAINST THE NPPF.

It is only possible to have regard to the NPPF with regard to the 3 stated issues. However, in this case, no letters have been received from local residents and therefore there is no requirement to assess the proposal against the NPPF.

CONCLUSION

It is therefore considered that the siting & location of the proposed dwellings within Flood Zone 3 is acceptable on the basis of the submitted Flood Risk Assessment accompanying the application. On this basis it is recommended that no objection is raised to the application

RECOMMENDATION

NO OBJECTION