Recommendation Report for Planning Permission

REF NO: **LU/179/14/PL**

LOCATION: 44 East Ham Road
Littlehampton

PROPOSAL: Change of use of ground floor shop to 1No. 2 bed flat. Including change to shop elevations & additional windows on ground floor west elevation & door on ground floor east elevation. Internal alterations to 1st floor 1No. 2 bed flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to conversion of the ground floor retail unit into a 2 bedroom unit with the first floor bathroom being split to accommodate a kitchen relocated from the ground floor. 2 windows in the eastelevation are to be moved slightly at first floor. At ground floor the an additional window is being created in the west elevation and an additional window in the east elevation is provided to serve a bedroom. Both the existing and proposed unit would have garden areas.
SITE AREA	0.0192 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	52 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling 0.5m high.
SITE CHARACTERISTICS	End of terrace property. Red brick elevations and pan tile roof. White painted windows. Painted shop front, part boarded below. Blind above window. No parking provision. Hard surfaced area in front of shop front
CHARACTER OF LOCALITY	Predominantly residential. Characterised by 2 storey mainly terraced dwellings.

RELEVANT SITE HISTORY

LU/233/77	Erection of garage	Refused 03-08-1977

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection

Comments on Representations received:

Noted

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
Economic Regeneration
WSCC Strategic Planning

Consultations responses received:

County Highways - No Objection. Suggest a condition securing cycle parking should be included.

Engineers - No comment

Comments on Consultation responses:

- comments noted. A cycle parking condition has been included.

POLICY CONTEXT

Designation applicable to site:
Within Built up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV30	Local and Village Centres
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 SP1 Design RET DM1 Retail Development RET SP1 Hierarchy of Centres

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

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

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 comply with relevant Development Plan policies in that it would not provide acceptable residential amenities for prospective occupiers.

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 premises contains an empty retail unit at ground floor and therefore the conversion works fall to be considered against policy DEV30 of Arun District Local plan. The use as a shop ceased in September 2012 and the owners subsequently marketed the premises using a local commercial property estate agents. The premises were marketed on web sites in journals and in the window of the estate agents. No reasonable offers were received. The loss of other nearby retail units resulting in their conversion indicates that there is a lack of demand for this type of neighbourhood

shop. It is considered that it has been satisfactorily demonstrated that there is no longer a viable use and change of use is acceptable in principle. The change to residential use would not be out with the character of the area.

The external alterations which include changes to the position and number of windows and to the appearance of the shop front are considered acceptable in terms of visual amenity and character of the area. The conversion results in a ground floor 2 bedroom flat and includes works at first floor to facilitate retention of the existing 2 bedroom flat at the premises by moving the existing kitchen serving the 2 bedroom flat upstairs to the first floor. However, by moving the existing kitchen, the floor areas of both the proposed kitchen and reduced bathroom at first floor are undersized and do not meet the internal space standards of the Emerging Local Plan. The internal floor area of this flat is slightly below (58.2 sq m) the 60 sqm standard. In addition this flat would have no private outdoor amenity space. The front area is allocated for this purpose but it is open to view from both road frontages and has no boundary demarcation.
If the ground floor flat lounge/dining/kitchen area are combined then the room size does meet the emerging space standards. The rear garden area is adequate to serve the unit and meet the external space standards.

However, overall the proposal does not meet the internal and external space standards as it applies to the first floor flat in conflict with policy GEN7 of Arun District Local Plan and policies DDM2 and DDM3 of the Emerging Local Plan.

In terms of impact on residential amenity it is considered that provided the adjusted window positions at first floor in the east elevation incorporate obscure glazing no adverse overlooking would result. No extensions to the property are included in the proposal.

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

A signed affordable housing agreement relating to a commuted sum totalling £1479 has been submitted with the application

RECOMMENDATION

REFUSE

1 Having regard to the size of the rooms and lack of appropriate external space provision the conversion and creation of an additional unit of accommodation would give rise to an unsatisfactory environment for the occupiers in conflict with policy GEN7 of the Arun District Local Plan and policies DDM2 & DDM3 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the National Planning Policy Framework.

2 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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.