

Recommendation Report for

REF NO: LU/182/14/PD

LOCATION: 1 & 2 Norfolk House
Wick Street
Littlehampton

PROPOSAL: Prior notification under Class IA for change of use from A1/A2 (retail/financial & professional services) to C3 (dwellinghouses)

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) and Class A2 financial and professional services) 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 or 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 sustainability 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 expired on 31 July 2014.

The proposal involves the change of use of part of the ground floor of the existing building from A1/A2 uses to two bedsit flats.

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	Building adjoins access road to north. Fencing and wire mesh fencing enclosing the rear of the site, approximately 2m in height.
SITE CHARACTERISTICS	Sited at the end of a shopping parade. Shops at ground floor level with residential units above. Red brick elevations and hipped red tiled roof. Flat roof section to rear with single storey addition beyond.
CHARACTER OF LOCALITY	Residential and commercial uses to the south of Wick Parade. Similar flat and shop layout to the rear of the adjoining neighbouring shops.

RELEVANT SITE HISTORY

LU/172/03/	Change of use from A1 (Shops) to A2 (Financial & Professional Services).	ApproveConditionally 26-06-2003
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LU/11/05/	Proposed extension & alterations to provide office & residential accommodation consisting of 5 no. flats	ApproveConditionally 03-03-2005
LU/6/12/	Change of use of part of commercial premises (B1) to residential (C3)	Approved Cond + S106 06-03-2012

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Environment Agency

Consultations responses received:

WSCC Highways:

The conversion of a commercial/financial office use into a residential generally result in a reduction of movements from the site. However, even if there is a small increase in movement there would not be a detrimental impact to highway safety from this proposal.

Condition requested to secure cycle parking provision.

Environment Agency: No objection.

Environmental Health: No comment.

HMO Officer: Kitchens should be 5.5 sq. metres for 1 person or 6.5 sq. metres for 2 persons.

Comments on Consultation responses:

Noted.

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 sustainability 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. County highways have requested a condition be attached to response requiring details of cycle parking, however given that this is only a notification of works, the LPA are not able to apply the requested condition.

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.

SUSTAINABILITY 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