

Recommendation Report for Planning Permission

REF NO: LU/19/19/PL

LOCATION: 44 East Ham Road
Littlehampton
BN17 7AP

PROPOSAL: Change of use from shop (A1 Shops) to dwelling (C3 Dwellinghouse), including extension to front of property & new fenestration to western, eastern & southern elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to conversion of the ground floor to change the use from a shop and storage to a 2 bedroom flat. New low boundary walling along the side of the site frontage would be provided and the front elevation would be extended in the south west corner by 1.1m by 0.5m. The rear single storey attached store is to be demolished. Some limited changes are being made to the first floor 2 bedroom flat comprising change to windows and conversion of lounge to kitchen/dining and lounge.
SITE AREA	0.0192 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 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/338/14/PL	Change of use from shop to 1 No 2 bed flat, including change to shop elevations & additional windows on ground floor west elevation & door & windows on ground & first floor east elevations & internal alterations to 1st floor flat (resubmission following LU/179/14/PL)	ApproveConditionally 19-12-14
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LU/179/14/PL	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.	Refused 01-08-14
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Development - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built up Area Boundary

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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PLANNING POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Aldingbourne; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The relevant policies in the Littlehampton Neighbourhood Plan have been taken into account in the consideration of this application.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area or result in the loss of a viable and recently used shop serving the local community.

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

SITE HISTORY

The application is a resubmission of a previous approval (LU/338/14/PL) which granted permission for conversion of the shop to a flat.

RETAIL CONSIDERATIONS

The premises contains an empty retail unit at ground floor and therefore the conversion works fall to be considered against policy RET DM1 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 of keeping with the character of the area.

This was accepted when considering application LU/179/14/PL.

RESIDENTIAL AMENITY

The total internal floor areas meet the minimum requirement of 61 sq m for a 3 person 2 bedroom flat identified in the Nationally Described Space Standards. The external space standards are also met with the provision of private amenity space to both flats.

The site lies in a residential area and use of the site as 2 flats would not result in any materially adverse impact on neighbouring residential amenity. The use as a shop would have generated more activity than the residential use now proposed and the first floor windows are replacing existing so no additional overlooking would result. The proposal would therefore accord with policy DDM1 of Arun Local Plan.

VISUAL AMENITY

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 proposal therefore accords with policy DSP1 and DDM4 of the Arun Local Plan.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

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

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.

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:
Proposed Floor Plans, Roof Plan and Block 183002/03c
Proposed Elevations 183002/04C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 The flats shall not be occupied until the cycle parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall be retained for cycle parking.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of cycles in accordance with policy DDM1 of the Arun District Local Plan.
- 4 **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 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 National Planning Policy Framework.