

Recommendation Report for Planning Permission

REF NO: LU/205/20/PL

LOCATION: Seagull House, Ground Floor Premises
45 Pier Road
Littlehampton
BN17 5LW

PROPOSAL: Change of use of ground floor from Cafe (A3 Food & Drink) to Dwelling (C3 Dwelling house) (extension of first floor flat). This application is in CIL Zone 4 (Zero Rated) as flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to convert the ground floor of the premises to incorporate a bedroom and ensuite to relate to the rest of the residential use of the site and reinstate the property to a dwellinghouse. The ground floor bedroom is required for the disabled occupant. The application is supported by an FRA(Flood Risk Assessment).
	It is noted that the application is retrospective as part of the application site is already in residential use.
SITE AREA	68 sqm
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	To rear fencing on boundaries. Property abuts pavement to front.
SITE CHARACTERISTICS	Mid-terrace three storey property with single storey flat roofed extension to rear. Tiled roof. Clad and rendered elevations. Adjacent to ground floor restaurant.
CHARACTER OF LOCALITY	Mainly 2/3 storey residential properties, but to south retail and cafe uses at ground floor. Clifton Road mainly serves as a rear access road to domestic garages.

RELEVANT SITE HISTORY

LU/97/17/PL	Change of use of ground floor from A3 (Restaurant) to C3 (Dwellinghouse) as additional living space for the existing upstairs residents.	Refused 18-10-17
LU/7/13/	Change of use of ground floor from a dwelling (C3 Dwelling houses) to tea room (A3 Restaurants & Cafes)	ApproveConditionally 12-03-13

The previous application for the development now proposed was refused under reference LU/97/17/PL following the advise of the Environment Agency for the following reason:

'The site lies within Flood Zone 3 defined by the Planning Practice Guidance as having a high probability of flooding where, notwithstanding the mitigating measures proposed, the risk to life and/or property, from tidal inundation would be unacceptable if the development were to be permitted.

The proposed development does not demonstrate that the occupants can remain safe for the development lifetime incorporating allowances for climate change. Whilst there are proposals for access and egress, there is insufficient flood risk mitigation up to the design flood level. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event in conflict with Policy GEN10 of Arun District Local Plan, Policy 1 of the Littlehampton Neighbourhood Plan and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change'.

This application seeks to address this refusal by demonstrating that the flood risk is acceptable and the proposal is supported by a Flood Risk Assessment..The Environment Agency have reviewed the FRA and have withdrawn their previous objection.

REPRESENTATIONS

Littlehampton Town Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No Objection

Would not normally support sleeping accommodation at ground floor level, but on the basis that the proposal is reverting back to its original layout it is acceptable subject to imposition of a condition relating to compliance with submitted FRA.

Coastal Engineer - No Comment

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class C Road
Flood Zone 3

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DDM2 D DM2 Internal space standards

WDM2 W DM2 Flood Risk

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, 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..

Policy 1 'The Presumption in Favour of Sustainable Development' and Policy 2 'A Spatial Plan for the Town' are relevant to 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 there would be no materially adverse impact on residential or visual amenity and the proposal demonstrates it can attain a satisfactory flood risk.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE AND BACKGROUND**

The site lies in an urban area where the principle of development is considered acceptable. There is already residential use on upper floors and the proposal would provide an additional bed/sitting room. The premises have previously been used as a tea shop at ground floor although historically this part of the premises has been in residential use. The use changed from residential to a tea shop relatively recently in 2013. The occupier no longer has the physical ability to use the stairs to the first floor and now sleeps on the ground floor.

RESIDENTIAL AMENITY

The premises is adjacent to residential properties and no external changes are proposed Policy D DM1(5) of Arun Local Plan requires development to be flexible to adaptation, including the changing needs of occupants and family circumstances. The proposal has been submitted to address a need which accords with these requirements.

With regard to the residential amenity of proposed occupiers the proposal would comply with the gross internal floor areas set out in the Nationally described space standards for a 6 person 3 bedroom house and is therefore compliant with policy D DM2 of Arun Local Plan.

Residential use of the whole premises have would less impact on neighbouring residential properties than the approved A3 use. Activity levels and noise generation are likely to be reduced and this minimal impact to occupiers of adjacent land would accord with policy D DM1(3) of Arun Local Plan.

CHARACTER

Policy D DM1(!) seeks to make the best possible use of the available land by reflecting or improving upon the character of the site in terms of layout and density. The proposal makes efficient use of land which would maintain the character of the area and local distinctiveness. The site is close to other residential premises in Pier Road and the tea shop use is relatively recent and replaced an earlier established residential use. The character of Pier Road in the location of the application site is mainly residential. The adjoining premises to the south which is a restaurant represents the northern limit of retail/A3 uses in this section of Pier Road. The loss of the tea shop (A3 use) is acceptable and would have no adverse impact on the character of the area. Policy RET DM1 (4) refers to change of use from retail outside of village and suburban centres. Such changes are likely to be refused unless the use is unviable. In this case the tea shop use ceased operating 3 years ago when the previous refused application was submitted. Policies relating to loss of retail premises are not therefore considered relevant.

FLOODING

The site is located in an area at high risk of flooding (flood zone 3). The application is accompanied by a Flood Risk Assessment (FRA) which the Environment Agency have advised is acceptable subject to an appropriate condition. Habitable rooms are generally not acceptable at ground floor level, but historically this building was a dwellinghouse. With imposition of a condition requiring the development to accord with the provisions of the submitted FRA the proposal is compliant policy W DM2 of the Local Plan and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change National Planning Policy Framework.

On the basis that the information submitted does satisfactorily address the flooding issues at the site the proposal also conflicts with policy 1 of Littlehampton Neighbourhood Plan which states ' planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise' ,

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 approved shall be carried out in accordance with the following approved plans:
Location and Block Plan 202053-03.
Existing and Proposed Elevations 202053-02.
Existing and Proposed Floor Plans 202053-01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 the Arun Local Plan.

- 2 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (October 2017) produced by Unda and the following mitigation measures detailed within the FRA:

Provision of flood mitigation measures as listed in the 'Physical Design Measures' section of the FRA.

The mitigation measures shall be fully implemented within 3 months of the date of this permission and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority and the approved mitigation measures shall be retained in perpetuity.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy W DM2 of Arun Local Plan.

- 3 INFORMATIVE: It is recommended that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note during an emergency the Environment Agency will deliver flood warnings to occupants/ users covered by their flood warning network.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure)(England) Order 2015. 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.