

Recommendation Report for**REF NO:** LU/246/13/PD**LOCATION:** 3 & 5 Church Street
Littlehampton**PROPOSAL:** Change of use from offices to residential for all floors of No.3 Church street and ground floor of No.5 Church Street**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary is defined by a public footpath. Stone walling and the access road to The Old Diary forms rear boundaries to the site.
SITE CHARACTERISTICS	A three storey detached building with brown brick and rough rendered elevations. The roof is pitched with plain brown tiles. There is a detached outbuilding to rear.
CHARACTER OF LOCALITY	Mixed commercial and residential use. There is a parade of shops opposite the premises and The Diary compound to the rear.

RELEVANT SITE HISTORY

LU/253/01/	Change of use of 1st & 2nd floors from residential to office use	ApproveConditionally 15-10-2001
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REPRESENTATIONS**Representations received:**

Awaited.

Comments on Representations received:

None

CONSULTATIONSEnvironment Agency
Environmental Health

WSSC Strategic Planning

Consultations responses received:

Environment Agency

The application site lies within Flood Zone 3 defined as a high probability of flooding. The submitted notification has not been accompanied by relevant information about flood risk (a flood risk assessment FRA).

We therefore request that, in response to this notification, your authority refuses prior approval and informs the applicant that a formal planning application will be required to obtain planning permission for the proposal.

West Sussex County Council Highways

No objection.

Parking within the vicinity of the building is limited. However, considering there will be no increase, and quite possibly a decrease in the number of vehicles associated with its change of use; WSSC consider that this will not attract any increase in parking demand than already exists.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[GEN11](#)

[AREA2](#)

Built-up Area Boundary

The Form of New Development

Inland Flooding

Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material

consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the flood risk of the site and its surrounding area.

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

This application considers a change of use from offices to residential under the extended permitted rights that have been recently invoked. The change of use is proposed for Number 3 Church Street and only the ground floor at Number 5 Church Street.

The area is characterised by mixed commercial and residential use. The surrounding properties along Church Street are residential which means that the proposed change would be consistent with the area. Additionally, the nature of the change would necessarily decrease the intensity of use at the site and so cause less disturbance for nearby residential amenities.

However, the Environment Agency has raised an objection to the proposal. Since the application site lies within Flood Zone 3 it is defined as having a high probability of flooding. The submitted notification has not been accompanied by relevant information about flood risk (a flood risk assessment FRA) and so there is insufficient information to recommend granting approval. Any resubmission should include this documentation to allow a more informed assessment to take place.

It is therefore recommended that the application be refused for the following reason.

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 (right to family and private 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, a neutral impact has 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.

RECOMMENDATION

OBJECTION

- 1 The proposal is within an area at risk from flooding and in the absence of a Flood Risk Assessment (FRA) being submitted, there is insufficient information to determine these effects and is therefore contrary to policy GEN7 and GEN11 of the Arun District Local Plan.
- 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.