

Recommendation Report for Planning Permission

REF NO: LU/248/15/PL

LOCATION: 3 Arcade Road
Littlehampton

PROPOSAL: Change of use from office (Class A2) to a dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 44.21 m2.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front elevation of the building abuts the public highway.
SITE CHARACTERISTICS	The site is occupied by a two storey building currently falling within Use Class A2. The building is flat roofed with render at ground floor level and brick at first floor level.
CHARACTER OF LOCALITY	The area falls within the principle shopping area as defined in policy AREA19 of the Arun District Local Plan with residential development being principle located at first floor level. Properties in the immediate vicinity of the application site are principally within the A1-A5 Use Classes with a D2 unit located to the west.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

The Littlehampton Town Council considered this application at the Planning and Transportation Committee meeting held on 9/11/15 and had no objections.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Planning and Housing Strategy

Environment Agency
Engineering Services Manager
Engineers (Fluvial Flooding)
Environmental Health

Consultations responses received:

Engineers (Fluvial Flooding):

No surface water drainage comments.

Environment Agency:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to

1. Consider how people will be kept safe from flood hazards identified
2. Consider the effect of a range of flooding events including extreme events on people and property.
3. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
4. All finished floor levels for living accommodation should be 600mm above the 1 in 200 climate change flood event level.

Please note that you can obtain the modelling information by contacting:
SSD.Enquiries@environment-agency.gov.uk

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) AREA19
GEN2
GEN7
GEN10
GEN11

Primary Shopping Frontages
Built-up Area Boundary
The Form of New Development
Tidal Flooding and Coastal Defence
Inland Flooding

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design

W DM2 Flood Risk
RET DM1 Retail Development
H SP2 Affordable Housing
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination 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.

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

PRINCIPLE

The site is situated within the built area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The property also falls within the principle shopping area as identified in the Arun District Local Plan, therefore the main criteria against which this application will be assessed are policies GEN7 and AREA19 within the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The application seeks permission for the change of use of an existing A2 unit to provide 1 No. dwellinghouse. The proposed change of use will not result in any external alterations being made to the existing building.

The building is situated within the principle shopping area as identified within the Arun District Local Plan 'Inset N'. Paragraph 2.34 of policy AREA19 of the Arun District Local Plan states that "The primary shopping frontages are of most significance in respect of retail uses, whilst other areas serve a complimentary function by adding to the services and facilities provided by the shopping centre." The proposed change of use of this building is considered to be in conflict with policy AREA19 as the change of use to dwellinghouse would fail to support the principle shopping area.

The Emerging Local Plan defines the application site as falling within the secondary shopping frontage and under policy RET DM1 (2) states that Use Class A1 will be supported but any change of use will require evidence that "marketing has been actively conducted for a reasonable period of time and that alternative retail uses have been fully explored." No such evidence has been submitted as part of this application.

Within the principle shopping area A1-A5 use classes remain dominant with the exception of the western side of Bayford Road, although the corner of Bayford Road and Arcade Road remains in retail use. Therefore, the proposed change of use is considered to be in conflict with the established character of the area, which is characterised by the presence retail uses at ground floor level. As such the proposed change of use is considered to be in conflict with policy GEN7(ii)

of the Arun District Local Plan.

The proposed dwelling will have an internal floor area of approximately 69 m² which is only just below the required 70 m² specified within the Nationally Described Space Standards. With an external amenity area measuring approximately 8.53 m² in area with a depth of 2.85m, 41.5m² below the requirement specified within Policy D DM3 of the Emerging Local Plan. Policy D DM3 states that "endeavour to reflect the standards as closely as possible or which is reasonably practicable". It is acknowledged that no additional amenity space could be provided given the limitations of the site. However, the shortfall is significant shortfall had the potential to detrimentally impact upon the residential amenity of future occupiers.

Objections to the proposal have also been received from the Environment Agency due to the absence of a sufficient Flood Risk Assessment.

RESIDENTIAL AMENITY

The proposed conversion of the existing building will not introduce any additional windows or make any external alterations to the existing structure. Therefore, the proposed change of use is not considered to give rise to any additional overlooking, overbearing or overshadowing impacts upon neighbouring properties or occupiers and as such is considered to be in accordance with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

The proposed change of use is considered to be in conflict with policy AREA19 and GEN7(ii) of the Arun District Plan, as such it is recommended that planning permission is refused for the below reasons.

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 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

- 1 By reason of its location within an area characterised by commercial ground floor uses the proposed change of use from A2 to C3 will have an unacceptable impact on the character and appearance of the area in conflict with policy GEN7(ii) of the Arun District Local Plan.
- 2 The proposal will result in the loss of a unit within the Principal Shopping Area and thereby adversely affect the viability and vitality of the neighbouring primary shopping frontage in conflict with Policy Area 19 of the Arun District Local Plan.
- 3 The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development in conflict with policies GEN10 and GEN 11 of the Arun District Local Plan.
- 4 The proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy DEV17 of the Arun District Local Plan 2003 and policy HSP2 of the emerging plan.
- 5 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons 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.