

Recommendation Report for Planning Permission

REF NO: LU/324/14/PL

LOCATION: 13 Fitzalan Road
Littlehampton

PROPOSAL: Change of use of residential institution (C2 Residential Institutions) to form 3 No 2 bedroom flats (C3 Dwelling Houses) (resubmission following LU/207/14/PL)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to conversion of the existing vacant property which was previously a residential institution into 3 flats. A flat would be provided on each floor. No extensions are proposed.
SITE AREA	0.037 hecatres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	81 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front 1m high walling. Fencing/walling to rear and side garden boundaries
SITE CHARACTERISTICS	Semi detached 2 storey dwelling with accommodation in roof which has been deemed as having special character by the Local Planning Authority. Bay windows at ground and first floor on front elevation. Balcony at first floor above front door. Brick elevations. Tiled roof. Narrow vehicular access to front. The site is occupied by a semi-detached dwelling which is set back from the road with a low walled garden to the front.
CHARACTER OF LOCALITY	Predominantly residential. Characterised by semi detached dwellings of similar appearance. Area of wooded public open space opposite. The site is located on the western side of Fitzalan Road which is a linear arrangement dwellings that are set back from the road with walled frontages creating a tidy and uniform urban

appearance.

RELEVANT SITE HISTORY

LU/144/03/	Change of use from Class C3 Residential to Class C2 Residential Institutional.	Refused 13-08-2003	<i>Appealed</i>
		Appeal: Allowed+Conditions 12 12 2003	
LU/207/14/PL	Change of use of Residential Institution (Class C2) to form 2 No. 1 bedroom ground floor flats, 1 No. 1 bedroom & 1 No. studio first floor flat and 1 No. 2 bedroom second floor flat (Class C3).	Refused 22-09-2014	

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

1 letter of objection - This development represents a loss of family housing stock along what will become a more significant road for the town. As rented flats, the property is also unlikely to be as well cared for as it would be by a single family. There is insufficient parking to support the development. There is no vehicular access to the property. Access is shared with no.12 and agreement is required. Parking is regularly an issue in the road, especially during the summer.

Comments on Representations received:

The property is not currently a family dwelling as the previous use was a residential institution. The proposal would not therefore result in the loss of a family home. Future maintenance of the property is not a material planning consideration. The site is sustainably located and taking the previous use into account traffic levels generated would be unlikely to increase significantly.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Environment Agency

Consultations responses received:

County Highways - The site is located within walking distance of Littlehampton town centre. There are a range of services and facilities, including public transport, within short walking distance. Walking routes are continuous along the Fitzalan Road frontage.

The site does have an existing vehicular access; there are no known issues with the use of this access. As no intensification of use is anticipated, there would be no expectation for this proposal to give rise to any highway safety concerns.

Taking into account the existing permitted C2 usage in terms of highway safety and level of

activity of the site, it is unlikely that this proposal to change to C3 would have an adverse impact on the local highway network. The County Council would not wish to raise any highway concerns to this application.

If the LPA are minded to approve this application a condition securing cycle parking should be included.

Environmental Health - No comment

Environment Agency - No Objection

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Building or structure of character
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN12](#)
[GEN22](#)
[GEN7](#)
[GEN10](#)

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

Parking in New Development
Buildings or Structures of Character
The Form of New Development
Tidal Flooding and Coastal Defence

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

PLANNING POLICY 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. There are no policies in the adopted Littlehampton Neighbourhood Plan specifically relating to this type of development

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

The site lies within the built-up area where residential development is acceptable in principle. The existing property is relatively large and it has previously been used as a residential institution with 8 bedrooms. It is located in an area where some neighbouring properties have been converted to flats, but the adjacent properties are single dwelling houses.

The application follows a previous refusal for conversion to 5 flats which was refused on the basis of overdevelopment of the site, un-neighbourliness and no compliance with internal and external space standards.

The application relates to conversion of the premises to 3 flats (a total of 6 bedrooms), one flat per floor. The previous institutional use with 8 bedrooms utilised shared communal facilities. The total number of visitors and activity generated at the site from the proposed use is likely to be comparable with that generated by the previous use. It is not considered that these increased levels would adversely affect the residential amenities of adjoining properties.

Environmental Health have no comments to make regarding means of escape and room sizes. The proposal now meets the standards set out in the Emerging Local Plan policy DDM2. All of the flats would have adequate internal space facilities and would comply with the standards for a 2 bedroom 4 person unit. Policy DDM3 of the Emerging Local Plan requires that 2 bedroom apartments have a minimum private outdoor space of 5sqm in the form of a balcony, roof garden, ground level patio or open space directly connected to the apartment. The property has a rear garden area which it is proposed would be subdivided between the flats.

The conversion of the property into 3 units would be acceptable in terms of the size of the site and would be similar to the general levels of usage and activity of adjoining sites and the character of the area which is defined by a mix of residential properties which include single dwelling houses and flats. The proposal would therefore be in keeping with the character of the area.

The proposal does not provide any car parking, but cycle parking is indicated. The site is sustainably located and County Highways have no objection.

The development utilises the existing layout of the building and does not result in internal alterations which could damage the character of the building of special character. The only external change relate to the change from a window to a door and the blocking up of a small window on the south elevation which is acceptable.

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

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 (the right to respect for 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 neutral 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).

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 937-6,937-7A,937-8A,937-9,937-12.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The building shall not be occupied until the bicycle store shown on the submitted plans has been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The materials and finishes of the window and door infills hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 28-07-2014 and the following mitigation measures detailed within the FRA:

1. Flood resilience measures measures detailed on page 3 and access details on page 2 in the proposed development.
2. Finished floor levels are set no lower than 4.25 m above Ordnance Datum (AOD).

Reason:

To reduce the impact of flooding on the proposed development and future occupants. In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

- 6 **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.