

Recommendation Report for**REF NO:** LU/329/13/PD**LOCATION:** 3 & 5 Church Street
Littlehampton**PROPOSAL:** Prior Notification for change of use from B1 (Business) to residential**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 the rear boundaries of the site.
SITE CHARACTERISTICS	The two properties are three storey in height and semi-detached in type with brown brick and rough rendered elevations. The roof is pitched with plain brown tiles. There is a detached outbuilding to the rear of both properties.
CHARACTER OF LOCALITY	Mixed commercial and residential use. There is a parade of shops opposite and a vacant industrial site 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
LU/246/13/PD	Change of use from offices to residential for all floors of No.3 Church street and ground floor of No.5 Church Street	Objection 30-09-2013

REPRESENTATIONS**Representations received:**

Awaited.

Comments on Representations received:

None

CONSULTATIONS

WSSC Strategic Planning
Environmental Health
Environment Agency

Consultations responses received:

Environment Agency
Objection.

The site is located within Flood Zone 3 which is defined as having a high probability of flooding. The Flood Risk Assessment submitted does not comply with the requirements set out in Paragraph 9 of the Technical Guidance to the National Planning Policy Framework. We would consider that sleeping accommodation on the ground floor may pose an unacceptable risk to occupants. In addition, a safe evacuation route to and from the site could not be provided based on the stated levels. Overall, the FRA fails to demonstrate how the risk of flooding can be mitigated in the event that flood defences fail or takes account of the impacts of climate change over the lifetime of this development. Also, it fails to consider how people will be kept safe from the flood hazards identified or considers the evacuation of people for a range of flooding events up to and including the extreme event.

West Sussex County Council Highways department
No objection.

Considering this site has been active fairly recently it is felt that the overall increase in traffic associated with the proposed development would not have a material capacity impact on Church Street and the proposed two car parking spaces would be an improvement on the existing parking situation.

Environmental Health
No observations.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN11	Inland Flooding
	AREA2	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 is for a change of use from offices into residential dwellings including two car parking spaces at the rear of two semi-detached properties. The current use of No. 5 already contains a maisonette and the entirety of the ground floor of Nos. 3 and 5 were recently occupied by a charity. The upper levels of No. 3 were occupied as offices by a charity.

This application follows from the previously refused application LU/246/13/PD which failed to include a Flood Risk Assessment (FRA). This application has included a Flood Risk Assessment, however it has been found to be inadequate by the Environment Agency. Specifically, the FRA has failed to demonstrate how the risk of flooding can be mitigated in the event that flood defences fail or take account of the impacts of climate change over the lifetime of the development. It has also failed to consider how people will be kept safe from the flood hazards identified or considered the requirement for flood emergency planning including the evacuation of people for a range of flooding events up to and including the extreme event.

Therefore, since the FRA has insufficient detail for these key areas, the proposed change of use to residential is unacceptable.

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

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), 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, 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 has been defined as being within an area at risk from flooding but the Flood Risk Assessment (FRA) submitted as part of the application has been found to be unsatisfactory and lacking in relevant detail in order to judge the effects of flooding on the properties in conflict with policy GEN11 of the Arun District Local Plan.