

Recommendation Report for Planning Permission

REF NO: LU/338/14/PL

LOCATION: 44 East Ham Road
Littlehampton

PROPOSAL: Change of use from shop to 1 No 2 bed flat, including change to shop elevations & additional windows on ground floor west elevation & door & windows on ground & first floor east elevations & internal alterations to 1st floor flat (resubmission following LU/179/14/PL)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to conversion of the ground floor retail unit into a 2 bedroom unit with the first floor bathroom being split to accommodate a kitchen relocated from the ground floor. 1 window in the east elevation is to be moved slightly at first floor and an additional window also added. At ground floor one additional window is being created in the west elevation and two additional windows in the east elevation are provided to serve a bedroom. Both the existing and proposed unit would have garden areas.

SITE AREA

0.0192 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 0.0192 hectares

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Flint walling 0.5m high.

SITE CHARACTERISTICS

End of terrace property. Red brick elevations and pan tile roof. White painted windows. Painted shop front, part boarded below. Blind above window. No parking provision. Hard surfaced area in front of shop front

CHARACTER OF LOCALITY

Predominantly residential. Characterised by 2 storey mainly terraced dwellings

RELEVANT SITE HISTORY

LU/179/14/PL Change of use of ground floor shop to 1No. 2 bed flat. Including change to shop elevations Refused

& additional windows on ground floor west elevation & door on ground floor east elevation. Internal alterations to 1st floor 1No. 2 bed flat. 01-08-2014

LU/233/77 Erection of garage Refused
03-08-1977

REPRESENTATIONS

Representations received:

Littlehampton Town Council
No objection

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager
WSCC Strategic Planning
Economic Regeneration
Engineers (Fluvial Flooding)

Consultations responses received:

County Highways - No Objection. Suggest a condition securing cycle parking should be included.

Economic Development - No Objection

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built up Area Boundary

DEVELOPMENT PLAN POLICIES

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

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

The Form of New Development

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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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

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 premises contains an empty retail unit at ground floor and therefore the conversion works fall to be considered against policy DEV30 of Arun District Local plan. The use as a shop ceased in September 2012 and the owners subsequently marketed the premises using a local commercial property estate agents. The premises were marketed on web sites in journals and in the window of the estate agents. No reasonable offers were received. The loss of other nearby retail units resulting in their conversion indicates that there is a lack of demand for this type of neighbourhood shop. It is considered that it has been satisfactorily demonstrated that there is no longer a viable use and change of use is acceptable in principle. The change to residential use would not be out of keeping with the character of the area.

The application is a resubmission of an earlier refused application (LU/179/14/PL). The revised proposal includes an amended design and layout to address the reason for refusal. The total internal floor areas exceed the minimum requirement of 61 sq m identified in the policy. The external space standards are also met with the provision of private amenity space to both flats.

The external alterations which include changes to the position and number of windows and to the appearance of the shop front are considered acceptable in terms of visual amenity and character of the area. The conversion results in a ground floor 2 bedroom flat and includes works at first floor to facilitate retention of the existing 2 bedroom flat at the premises by moving the existing kitchen serving the 2 bedroom flat upstairs to the first floor.

The application is therefore 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).

SECTION 106 DETAILS

The application would have been subject to a signed affordable housing agreement relating to a commuted sum totalling £1,479 however it must be determined by reference to current policy as of the date of decision.

The Affordable Housing Policy was superceded by paras 13-21 NPPG which now governs the matter.

So the planning obligation is no longer a material planning consideration and contributions will not be sought

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 01, 03 and 04.

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 flats shall not be occupied until the cycle parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall be retained for cycle parking.

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

- 4 **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.

- 5 **INFORMATIVE:** For the avoidance of doubt this permission is not subject to an Affordable Housing Agreement. The signed Agreement was superceded by paras 13-21 NPPG and is no longer material to determination of the application.