

Recommendation Report for

REF NO: LU/6/18/PD

LOCATION: 70 High Street
Littlehampton
BN17 5DY

PROPOSAL: Prior notification under Class M for a change of use from shop (Class A1) to dwelling house (Class C3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Change of use under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) from Class A2 (financial and professional services) to a C3(dwellinghouse).

SITE CHARACTERISTICS The application site is an end of terrace three storey building constructed from stone at ground floor level with brick above. The property is situated within Littlehampton High Street where the character is predominantly commercial with some residential and office uses above.

RELEVANT SITE HISTORY

LU/171/16/CLP Lawful development certificate for a proposed conversion of offices (first & second floor) to 2 No.flats PP Not Required 02-09-16

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

N/a

CONSULTATIONS

Environmental Health
Environment Agency
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection

Economic Regeneration - No comments received

Environment Agency -

Environment Agency position

In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Reasons

The application site lies within Flood Zone 3 as defined by the Environment Agency Flood Map. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming our objection

You can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

Environmental Health:

Environmental Health have been consulted in relation to this application but no comments have been received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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

TRANSPORT AND HIGHWAYS

The use of the property as a dwellinghouse is not considered to generate a significant additional level of parking pressure beyond that of the existing A1 use for which the property already has permission. As such it is considered to be acceptable in highways and transport terms.

CONTAMINATION

There would be no physical development in terms of digging foundations and the site has not been identified as contaminated. As such it is considered acceptable in terms of contamination.

FLOOD RISK

An objection has been made to the scheme by the Environment Agency because no Flood Risk Assessment has been provided.

SUITABILITY OF CHANGE OF USE

The site is situated close to a principal shopping area in Littlehampton. It is considered that the loss of this retail unit would not be undesirable and no evidence of a harm to the suitability of Littlehampton Town Centre has been provided. The National Planning Policy Framework states that "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

DESIGN AND VISUAL AMENITY

The design of the proposal is considered sympathetic and in keeping with the established character of the locality. Therefore, no objection is raised in relation to the design of the proposal.

SUMMARY

It is considered that the proposed change of use fails to accord with Schedule 2, Part 3, Class M, M.2, (c) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Therefore, it is recommended that an objection is raised in relation to the proposed change of use.

HUMAN RIGHTS ACT

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 respect private and family 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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

OBJECTION

- 1 It is considered that the proposed change of use fails to accord with Schedule 2, Part 3, Class M, M.2, (c) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) because no flood risk assessment was provided with the application and therefore an objection is raised in relation to the proposed change of use.