

Recommendation Report for Planning Permission

REF NO: LU/77/25/PL

LOCATION: 49 River Road
Littlehampton
BN17 5BZ

PROPOSAL: Change of use of ground floor of existing building from light industrial (Class B2/E) to residential (Class C3), to be used as ancillary accommodation including workshop, games room and utility space, with all habitable accommodation located and expanded on the first floor. This application affects the character and appearance of the Littlehampton River Road Conservation Area and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the ground floor of the property from light industrial to residential (Class C3) to be used as ancillary accommodation forming a workshop, games room and utility space. There will also be an internal change at first floor level to create an additional bedroom.
TOPOGRAPHY	Predominantly flat.
TREES	None.
BOUNDARY TREATMENT	The site abuts the highway to the north and river to the south.
SITE CHARACTERISTICS	The site is occupied by a detached two storey property.
CHARACTER OF LOCALITY	The area is predominately residential adjacent to the river.

RELEVANT SITE HISTORY

LU/202/18/PL	Replacement of damaged riverside extension. This application may affect the character & appearance of the Littlehampton River Road Conservation Area.	ApproveConditionally 27-09-18
LU/1/06/	Change of use of ground floor to residential, to be used as workshop, games room, utility. Bed 2 on 1st floor	ApproveConditionally 09-03-06

An application for a change of use to residential was approved in 2006 but not implemented.

REPRESENTATIONS

Littlehampton Town Council provided no objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - No comment.

Conservation Officer - The proposal will have a neutral impact and will not cause harm to the significance of the heritage assets.

Area Conservation Area Advisory Panel - One of the few remaining original former river related commercial structures. As such it makes a positive contribution to the character and appearance of the conservation area. It is considered that the proposals should assist the future viability of this important building and are welcomed. As such, the Panel consider that the proposals will have no adverse impact on the character or appearance of the conservation area

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
 Conservation Area
 Flood Risk 3b
 Article 4

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

- DDM1 D DM1 Aspects of form and design quality
- DDM4 D DM4 Extensions&alter to exist builds(res and non-res)
- WDM2 W DM2 Flood Risk
- DSP1 D SP1 Design
- HERDM2 HER DM2 Locally Listed Buildings or Structures of Character
- HERDM3 HER DM3 Conservation Areas
- HERSP1 HER SP1 The Historic Environment

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 the development will not result in adverse harm upon the character of the area, neighbouring amenity and will not cause harm to the significance of the heritage assets.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

The application is exempt from biodiversity net gain. It relates to a change of use and is below a de minimis threshold.

CONCLUSIONS

PRINCIPLE

The development is situated within the Built-Up Area Boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are Arun Local Plan (ALP) policy D DM1 and D DM4. Policy 1 of the Littlehampton Neighbourhood Plan are relevant to the determination of this application which states applications which accord with policies will be approved, unless material considerations indicate otherwise.

DESIGN AND VISUAL AMENITY

The application seeks to change the use of the ground floor of the property. Currently it serves as a unit for light industrial (woodworking and joinery). The conversion seeks to use the space for residential purposes ancillary to the accommodation above, forming a workshop, games and utility area.

Internally there are minimal changes required to enable the conversion, with the layout remaining largely as existing, an additional first floor window will however be installed. This would only result in a minor change to the appearance of the building. The surrounding area is predominately residential and the change would not be out of character with the area. A conversion to residential was approved in 2006 although not implemented.

With only a minor change proposed at first floor level, the change of use would not result in harm to the appearance or character of the area and accords with ALP policy D DM1 and D DM4.

REISIDENTIAL AMENITY

The conversion to the ground floor does not require any external changes. The property also seeks internal alterations to the first floor to create a 2nd bedroom however with these works being internal they do not require permission. An additional first floor window is proposed to the south east elevation which will serve a bedroom. This would face toward No.4 however there are no side facing first floor windows to this property and the proposed would not result in adverse overlooking.

It is not considered the change of use would result in additional noise or comings and goings from the site, additional to that which already occurs, which would be harmful to amenity.

Due to the development proposed and minor changes proposed, the development would not result in adverse harm upon neighbouring amenity in accordance with ALP policy D DM1 and D DM4.

FLOOD RISK

The site falls within Flood Zone 3b and is at high risk of flooding to existing and future occupants.

Development is exempt from the sequential test if it is a change of use. Whilst the ground floor will change in use from light industrial to residential purposes, this will not become a habitable living space or a bedroom. It will be for ancillary purposes such as a games room/utility area. It will be conditioned that that the ground floor can not be used for sleeping accommodation due to the level of flood risk.

On the basis that the building is already in existence and only a change of use is sought for ancillary purposes, this would not result in an increase in flood risk on the site nor upon intended occupiers and it is in compliance with ALP policy W DM2.

CONSERVATION AREA

The site falls within the Littlehampton River Road Conservation Area.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the significance of the impact upon the heritage assets related to the application.

The building is unlisted but a locally important building, which is a rare survival of the east bank wharves and quays. It is an attractive small warehouse that has been converted into an alternate use. It derives its significance from its architectural and historical interest. The conservation area is characterised by its proximity to the river Arun which runs parallel. It is of architectural and historic significance.

Para 210 of the NPPF requires account to be taken of the desirability to sustain and enhance the significance of heritage assets thus making a positive contribution to the local area.

The existing Conservation Area is predominantly residential in use, and permission has been granted for further residential development on a plot of land to the side of the building. This proposal will reflect the use of the first floor of the building and the predominant character of the Conservation Area. The proposal will have a neutral impact and will not cause harm to the significance of the heritage assets.

Due to the minor changes proposed, the development will not result in harm to the building or wider conservation area in compliance with ALP policy HER DM2 and HER DM3 and the NPPF.

SUMMARY

The proposed development accords with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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) 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 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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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:

- Location and Block Plan E-001

- Proposed Plans and Elevations - P-001 A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1 and D DM1.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 49 River Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 4 The ground floor use hereby permitted shall not be used for sleeping accommodation.

Reason: To ensure the future occupiers are safe from flood risk in compliance with W DM2 and the NPPF.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.