

Recommendation Report for Planning Permission

|           |                                                                                                                                                                                                                          |
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| REF NO:   | LU/126/19/PL                                                                                                                                                                                                             |
| LOCATION: | 25 River Road<br>Littlehampton<br>BN17 5BZ                                                                                                                                                                               |
| PROPOSAL: | Demolition of the existing garage building (B2 industrial use) and redevelopment of the site providing 9no C3 residential units - This application affects the character and appearance of River Road Conservation Area. |

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | <p>The scheme provides 2 no residential units fronting onto River Road comprising a 2 bedroom 4 person flat, at first floor level, and a 1 bedroom 2 person flat above and 7 units fronting onto Terminus Place within a single flatbed building which includes 4no 1 bedroom units and 5no 2 bedroom units.</p> <p>The proposed building fronting onto River Road is formed of 2no residential units, comprising a 2 bedroom 4 person flat, at first floor level, and a 1 bedroom 2 person flat above. The 2 bed unit provides 78m2 of residential floorspace, and the 1 bed unit measures 58m2 in total floor area. An area of undercroft parking is proposed to the River Road building, providing 3no car parking spaces for the development and a dedicated area for cycle storage along with refuse and recycling storage area.</p> <p>The proposed building fronting onto terminus place is comprised 7no residential units, 3no 1 bed units, and 4no 2 bed units. The units range in size providing between 54m2 and 63m2 of residential floorspace.</p> <p>Both of the building are proposed to be finished in white render, clay roof tile, and timber framed windows.</p> |
| SITE AREA                             | 362 sq mt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 25 dwellings per hectare                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| BOUNDARY TREATMENT                    | Boundary walling to approx. 2m high on road frontage on Terminus Place. Painted flint walling to rear of workshop.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| SITE CHARACTERISTICS                  | The existing building located on the site is a single storey purpose garage formerly used as a car mechanic workshop. It has a shallow pitched roof with cream                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

painted rendered elevations. Vehicular access to the property is provided along Terminus Place. A secondary garage access is also provided to River Road.

The existing properties fronting River Road, which are in close proximity to the application site are generally formed of two storey properties. The properties to north of the application comprise a residential 3 storey flat roofed block.

## CHARACTER OF LOCALITY

Mainly residential comprising a mix of dwelling height, design and style. Those fronting River Road are nearly all traditional style terraced and semi detached dwellings. To the rear in Terminus Road are more modern flats. 4 storey purpose built block of flats is located on the North Eastern Corner of the junction of Terminus place with Terminus Road. To the Western side of Terminus Place is Arun Court located directly adjacent to the North of the application site, is a three storey purpose built residential block Containing 8no individual flats.

## RELEVANT SITE HISTORY

|           |                                                                                          |                                  |
|-----------|------------------------------------------------------------------------------------------|----------------------------------|
| LU/461/84 | Erection Of 5 1-Bed Flats                                                                | ApproveConditionally<br>14-11-84 |
| LU/56/84  | O/L App For 4 No 1 Bedroom Flats On Two Floors Above<br>5 Parking Spaces At Ground Level | Refused<br>28-03-84              |

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection

- This is an overdevelopment of the site
- The design appearance and scale of the development in Terminus Place is overbearing.
- Car parking would be a significant problem which combined with the lack of provision for cyclists was thought to have a significant impact on the highway (Terminus Place).
- Concerns about the likely increase in antisocial behaviour.
- The appearance and scale of the River Road frontage was thought to be acceptable.

Littlehampton Civic Society:

- The proposed development will have a harmful effect on the River Road Conservation Area. It is overlarge, too high, too dense and below the quality of form and design that expected for this site.
- Mansard roof is not appropriate in the Conservation Area where most of the properties are two storeys and have traditional roof shapes.
- The development should complement the houses on the eastern side of Terminus Place which is a

terrace of two storey, small scale houses with traditional windows, doors and roofing. As proposed, the development would completely dominate and have a harmful effect on this terrace.

- The proposal would, harm the Conservation Area and conflicts with NPPF 2019, paragraph 192 (heritage assets - includes Conservation Areas) and paragraph 127 (design quality) and Arun Local Plan Policy HER DM3 (Conservation Areas) and Policies DSP1 and DDM1 (design quality).
- Parking in this whole area is difficult at the best of times. The addition of at least another nine vehicles would be insupportable, even though some parking provision is allowed for in the proposal.

**17 Objections:**

- The proposed development falls within the Conservation Area and is not in keeping.
- There is limited parking already and the proposal does not add enough parking for the development.
- The current infrastructure cannot cope with the cars on the roads and access for emergency vehicles will be impacted by this development causing a danger to the public.
- The proposal is overbearing and overshadowing of nearby properties.
- There is a lack of demand for flats in the area and the site could be used for something in higher demand.
- The proposal will overlook the surrounding properties.
- There is an old flint wall on the site that should be maintained and protected not destroyed by this development.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments on representations are addressed in the conclusions section of this report.

|                      |
|----------------------|
| <b>CONSULTATIONS</b> |
|----------------------|

Environmental Health  
Economic Regeneration  
Engineers (Drainage)  
Engineering Services Manager  
Environment Agency  
Southern Water Planning  
WSCC Strategic Planning  
Conservation Officer

**CONSULTATION RESPONSES RECEIVED:**

**Economic Development:**

This application concerns a commercial site in what was historically a commercial area of Littlehampton and is now primarily a residential area. On the basis that this site is unlikely to be used for an alternative commercial operation Economic Development has no objection to this application.

Environmental Health: No objection.  
Conditions suggested.

**West Sussex County Highways: Objection (more information required)**

- Details regarding parking are not clear. The Planning Statement indicates that a space will be provided for each unit (9), yet the plans show only 6 spaces.
- Concerns are raised over parking capacity round the local roads.
- It is advised that the applicant carry out a parking capacity survey and provide clarification and more

information on the parking strategy for the proposal.

- It would be helpful to see vehicle tracking to demonstrate how each parking space can be accessed.
- Please re-consult once the requested information is provided.

Southern Water: No objection.

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Informative requested.

Conservation Officer: Objection

Based on the current character of the Conservation Area, it is considered that the change of use to residential will not harm the established character of the road.

Whilst the existing garage building is a reminder of the former use, the structure does not make an important contribution towards the established character of the street-scene. In-fact it detracts from the neighbouring properties when viewed from River Road. Its loss is therefore acceptable.

The design/appearance of the proposed apartment blocks/impact upon the surrounding area.

River Road Apartments: The properties within the Conservation Area are constructed with pitched roofs, whereas the proposed building will have a mansard roof. Further, the proposed dormers are large and occupy a large proportion of the roof, and a basic assessment identifies that there do not appear to be any in this particular part of the road. This feature is considered to be out of character, and is not sufficiently justified. This issue is especially important on the road facing elevation, where the development could have a significant impact.

The concept of providing car accommodation on the ground floor to provide for parking spaces (and potentially deal with flooding issues?) would enable slight references to the sites previous use. Further the fact that a gate is provided to hide the parking from sight is a positive feature. The design should ensure that this gate remains closed unless in use.

Further consideration should be given to the two gates.

Materials should be conditioned and should be of high quality.

Terminus Place Apartments: This apartment block is much larger than the first one. Whilst there is an apartment block to the north of this, it appears to be only three storeys, as opposed to the proposed 4.

Both the existing, and the proposed block of apartments are in conflict with the general character of Terminus Place (and Purbeck Place) where the traditional properties within the conservation area are two storey, terraced houses. This character is also evident on the section of River Road closest to the application site. As with the River Road apartment block, it is noted that apart from the existing apartment block, the properties are constructed with pitched roofs, whereas the proposed building will have a mansard roof. This is out of character, and it is not clear what the justification for this is. This issue is especially important on the road facing elevation.

Further, the presence of the Undercroft, and varied fenestration pattern, means that the building does not have a positive impact upon the street-scene.

## Conclusion

The proposed development will not adequately reflect the character of the Conservation Area. The impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). As such, public benefits that the development may achieve should be considered, along with the contents of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Planning Practice Guidance states that public benefits include sustaining or enhancing the significance of a heritage asset and the contribution of its setting reducing or removing risks to a heritage asset securing

the optimum viable use of a heritage asset in support of its long-term conservation.

Environment Agency: Objection

Flood Risk Assessment (FRA) is not acceptable. Recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. The FRA does not therefore adequately assess the development's flood risks.

In particular, the FRA fails to:

- Consider finished floor levels in relation to flood levels and depths during the lifetime of the development taking in account climate change allowances.
- Ensure that no habitable rooms are placed below the 0.5% AEP 2115 flood level.

Drainage Engineers: No objection  
Suggests conditions and informatives.

#### COMMENTS ON CONSULTATION RESPONSES:

- comments noted

#### POLICY CONTEXT

Designation applicable to site:  
Within Built Up Area  
Conservation Area

#### DEVELOPMENT PLAN POLICIES

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

|        |                                          |
|--------|------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality |
| DDM2   | D DM2 Internal space standards           |
| WDM2   | W DM2 Flood Risk                         |
| DSP1   | D SP1 Design                             |
| HERSP1 | HER SP1 The Historic Environment         |
| HERDM3 | HER DM3 Conservation Areas               |
| TSP1   | T SP1 Transport and Development          |
| ECCDM1 | ECC DM1 Renewable Energy                 |
| ECCSP1 | ECC SP1 Adapting to Climate Change       |

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

Littlehampton Neighbourhood Plan 2014 Policy 2      A Spatial Plan for the Town

#### 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 and Made Neighbourhood Development Plans.

### 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

Policies 1 and 2 of Littlehampton Neighbourhood Plan are considered relevant to the consideration of this application.

## 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 adversely affect the visual amenities and character of the locality, would result in an unacceptable risk of flooding to occupants and would adversely affect the residential amenities of nearby residents given the lack of adequate car parking provision.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that it is considered to materially harm the character and appearance of the Conservation 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

### PRINCIPLE

The application site is located within the built up area boundary, where the general principle of development is accepted subject to accordance with the relevant development plan policies. In this

instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun Local Plan mainly DDM1 and DSP1 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area. The made Littlehampton Neighbourhood Plan (2014) contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 2 - Spatial Plan for the Town

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site. The proposal would accord with this policy.

Policy 2 concentrates future housing, within the built up area of Littlehampton. The proposal accords with this policy.

## **EMPLOYMENT**

The existing use of the premises is as a vehicle garage. The scheme proposes the loss of the existing B2 floorspace, as the loss of employment floorspace is proposed the key policy against which the application will be assessed is Policy EMP DM1. This seeks to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. Changes of use from Business Class (B1-B8) will not be permitted unless the site has no future as an industrial use or is causing insurmountable environmental harm or amenity which cannot be satisfactorily resolved. The Local Planning Authority requires evidence to demonstrate that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored.

The application is supported by a letter from the commercial agent. A copy of the sale property particulars are included. The premises ceased trading in February 2018 and was marketed for more than 12 months. Feedback from prospective purchasers indicated that the site was not suitable for a number reasons including; the poor state of the existing building, and associated cost to bring it in line with modern day standards; advancements in automotive technology requiring specialist equipment only available at main dealerships due to exorbitant cost; lack of visibility and presence meaning are most people being unaware of its location; its general residential location meaning a reluctance of potential occupiers wanting to occupy due to noise concerns; and the high rateable value of the property also deterring potential occupiers. Given the submitted evidence it is considered that it has been satisfactorily demonstrated that the existing property is no longer viable in its current use, and other uses would be acceptable.

The site is also within the Littlehampton Economic Growth Area and policy EMP SP2 therefore applies. This policy seeks to enhance local employment opportunities and promote economic growth and regeneration in order to strengthen the economic base of the District and provide local job opportunities. Whilst the loss of the garage as an employment site is regrettable it has been demonstrated that no interest has resulted from marketing of the premises and the loss of the site to a residential use would not conflict with the aims of this policy. It seeks to facilitate enhancement of local employment opportunities through partnership between the council and partners which would not be relevant to the application site given its relatively small size.

## **DESIGN AND VISUAL AMENITY**

The existing garage building is currently set back from the front building line of the adjoining properties, the shallow angle proposed to the front elevation at ground floor level seeks to provide a bridge between these staggered building lines. The first floor elevation is then set back in line with

the adjoining property to the east of the application site. The proposed styling and detailing is respectful of that found within the area. The materials proposed are also prevalent within the area.

However the design includes large dormers to the front elevation which dominate the roof area and uncharacteristically add to the building's prominence in the street scene. The design of the block to the rear is not respectful of the scale, rhythm, massing, bulk and height of neighbouring properties found within the area. Whilst it is acknowledged that there is a block of flats to the north of the site which is a three storey purpose built block of flats which sits perpendicular to the Terminus Place frontage it is not of a design that the Local Planning Authority would wish to see informing development of the adjacent site and is of a height which should not be exceeded. The proposed block incorporates a mansard roof which is not characteristic of the area and detracts from the design of the cottages to the east and west. The height is such that the flats would tower above and dominate its neighbours.

Whilst it is accepted that the area has a compact form of development with little space between properties the surrounding dwellings have gardens and a much lower and respectful scale. The amount of development and extent of site coverage does not allow for any landscaping to soften the proposal or allow for provision of space around to allow it to better assimilate with the height of its neighbours. The development is bulky and is uncompromising in respect of its distances to site boundaries. It would dominate the area and appear as a prominent and obtrusive structure which detracts from the visual amenities and character of the area in conflict with policies DDM1(1),(2) and (14) and D SP1,

Section 12 of the NPPF indicates that good design is a key aspect of sustainable development.

Continuing to require developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). The proposal would not accord with this requirement the development would not be of an appropriate layout or scale and would not be sympathetic to its historic setting.

The development does not incorporate any energy efficiency measures that reflect current standards within the scheme or any small scale renewable energy systems. There is no evidence to demonstrate how design or layout promotes energy efficiency and the proposal therefore conflicts with policy ECC SP2 of Arun Local Plan which requires all new residential development to demonstrate consideration and inclusion of energy efficiency measures and para 153 of the NPPF. Whilst renewable energy provision could be conditioned. Energy efficiency including solar gain is fundamental to the site layout of the scheme.

#### IMPACT ON CONSERVATION AREA

The site is located in the River Road Conservation Area. The existing building does not contribute positively to the character and appearance of the area and its removal and replacement with a building of acceptable design, scale and detailing would be acceptable in principle. The River Road street scene is the more attractive frontage and any development would need to take account of the design of the buildings adjoining the site. Whilst the design of this front elevation respects the scale and proportions of the adjacent development the addition of dormer windows detracts from the appearance of the area. The provision of an undercroft accessed through timber garage doors, which are typical of such historical commercial garage uses provides an indication of the historical use of the site and is acceptable in principle.

However the development on the northern section of the site is harmful to the character and appearance of the Conservation Area the development would have an excessive scale, massing, bulk and height and would not incorporate any of the design features of the older buildings which positively contribute to the character of the area. The impact on the designated heritage asset is harmful. The development would detract from the appearance of the area and would not conserve its appearance it is therefore contrary to

para 193 of the NPPF which identifies that great weight should be attributed to the asset's conservation. It also conflicts with Section 72(1) which states with respect to any buildings or land in a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It causes less than substantial harm which means that this harm should be weighed against the public benefits of the proposal. The development would be for private benefit and therefore the proposal does not accord with the requirements of Section 72. Planning Practice Guidance states that public benefits include sustaining or enhancing the significance of a heritage asset and the contribution of its setting reducing or removing risks to a heritage asset securing the optimum viable use of a heritage asset in support of its long-term conservation. The proposal does not sustain or enhance the heritage asset and although public benefits would result from the provision of additional housing units in the area and jobs throughout the construction phase these are not sufficient to address the harm that results.

In addition, the scheme by virtue of its design and scale is therefore also contrary to policy HER DM3 in that it does not preserve or enhance the appearance of the Conservation Area. The new buildings do not satisfactorily acknowledge the character of the area in terms of layout, form, or detailing. The view into the Conservation from the north would be harmed. Existing smaller scale traditional buildings would be screened from view and dominated by the proposal.

#### RESIDENTIAL AMENITY

The proposed development is 4 storeys on the northern section of the site. The block would be 4.8m from Arun Court to the north, 8m and 3.5m from the properties to the west and 2.5m from the garden areas to the dwellings to the south and 1.5m from the gardens to the west. It has a height to eaves of 8.1m and a height to the top of the mansard of 11m. These distances when combined with the significant height are insufficient and the property would be overbearing and oppressive on the rooms facing the site and gardens of adjoining occupiers identified above. The current building is single storey with a pitched roof and therefore does not materially impact on its neighbours. The dwellings to the north have windows facing onto the site and are within 4.8m of the side elevation of the proposal. Light to these rooms would be unacceptably reduced as a result of the proposal to an extent that would be materially harmful.

The light provided to the stairwells and bathrooms of the proposed flats would also be limited. The ground floor flat in the north east corner of the site (unit 1) has the only window to bedroom 1 facing onto the bin store area and the second bedroom window faces boundary screening 1.5m from the rear. The dining room faces a parking area and the lounge is 2m from adjacent boundary walling. The outlook from these rooms is therefore poor. The proposal therefore conflicts with policy D DM1(3) of Arun Local Plan in terms of the harmful impact on both existing and proposed occupiers.

#### SPACE STANDARDS

The proposal accords with the Nationally Described Space Standards. This requires a minimum gross internal floor area of 50 m<sup>2</sup> for a single storey 1 bedroom 2 person dwelling and 39m<sup>2</sup> for single occupation. For 2 bedroom units the minimum for a single storey building is 61sqm( 3 person) and 70m<sup>2</sup> for 4 person. The proposed building fronting onto River Road is formed of 2no residential units, comprising a 2 bedroom 4 person flat, at first floor level, and a 1 bedroom 2 person flat above. The 2 bed unit provides 78m<sup>2</sup> of residential floorspace, and the 1 bed unit measures 58m<sup>2</sup> in total floor area.

The proposed building fronting onto Terminus Place is comprised 7no residential units, 3no 1 bed units, and 4no 2 bed units. The units range in size providing between 54m<sup>2</sup> and 63m<sup>2</sup> of residential floorspace. The proposal therefore provides a satisfactory living environment for the occupiers and would not adversely affect their residential amenity.

The amount of development on the site and extent of site coverage is at an unacceptable level of private amenity space. There is no communal area where clothes can be dried or residents can sit outside.

Whilst the site is close to the seafront and river where a limited communal space would be acceptable the lack of any provision for the northern block is unacceptable and contrary to policy D DM1(3) of Arun Local Plan.

#### HIGHWAY CONSIDERATIONS

The site is in a sustainable location close to good public transport, including the station and bus routes. 8 cycle parking spaces have been provided with access to the rear of the properties. The site is, also located in a Controlled Parking Zone where parking is restricted at certain times of the day and residents are eligible for parking permits.

The level of parking provision is not clear. The Planning Statement refers to one space per unit and the form and plans refer to 6 spaces. 3 accessed from River Road and 3 from Terminus Place. It has also not been adequately demonstrated that the spaces are easily independently accessible.

The agent has stated that the proposed change in use would reduce the number of trips which the existing site would have generated, but this has not been quantified.

Although the site is sustainably located it is also within an area where the availability for parking on street is limited and this is likely to adversely affect the residential amenities of existing occupiers. Policy TSP1 (d) requires that proposals incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision taking into consideration the impact of development on on-street parking and (f) explains how the development has been designed to incorporate facilities for charging electric and plug-in hybrid vehicles. This is also referred to in para 110 (e) of the NPPF. No such details have been submitted with the application.

County Highways have concerns over parking capacity round the local roads and advise that the applicant carry out a parking capacity survey and provide clarification and more information on the parking strategy for the proposal and a vehicle tracking survey to demonstrate how each parking space can be accessed.

Based on the information submitted with the application the proposal would therefore conflict with policy TSP1 of Arun Local Plan.

#### FLOODING

The site lies within Flood Zone 3 (High probability of flooding). The proposal is in conflict with policy WDM2 of Arun Local Plan which requires that development in flood risk areas is accompanied by a specific Flood Risk Assessment to demonstrate that the development will be safe. The submitted Flood Risk Assessment (FRA) is not acceptable. It does not comply with the requirements for site-specific flood risk assessments, as set out in the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. The FRA does not therefore adequately assess the development's flood risks. It fails to consider finished floor levels in relation to flood levels and depths during the lifetime of the development taking in account climate change allowances. It also does not ensure that no habitable rooms are placed below the 0.5% AEP 2115 flood level.

This failure to take appropriate account of finished floor levels in relation to flood levels and habitable rooms provided below estimated 2115 flood levels means that the proposal is also contrary to policy ECC SP1 of the Local Plan which requires development to be designed to take account of location in terms of flood risk and paragraph 150 of the NPPF.

#### CONCLUSIONS

The application is recommended for refusal for the following reasons

## 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.Ct

## 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

### REFUSE

- 1 The site by virtue of its size and shape, is considered unsuitable to accommodate 9 dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an overdevelopment of the site which comprises an unduly cramped and unneighbourly form of development which would be detrimental to the residential amenities of future occupiers and the character and amenities of the surrounding residential area, contrary to policies DDM1 and DSP1 of the Arun Local Plan.
- 2 Given the layout, form, footprint, scale, height, detailing and relationship with adjacent buildings the proposal would be prejudicial to the appearance and character of the Littlehampton River Road Conservation Area and therefore conflicts with policies HER DM3 and HER SP1 of the Arun Local Plan and the NPPF.
- 3 The site lies within Flood Zone 3 defined by the Planning Practice Guidance as having a high probability of flooding. The dwellings, are classed as "more vulnerable" in accordance with Table 2 (Flood Risk Vulnerability Classification) of the PPG for Flood Risk and Coastal Change.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. The FRA does not therefore adequately assess the development's flood risks.

The submitted Flood Risk Assessment (FRA) is inadequate. it has failed to consider finished floor levels in relation to flood levels and depths during the lifetime of the development taking

in account climate change allowances and has not ensured that no habitable rooms are placed below the 0.5% AEP 2115 flood level.

The proposal is therefore contrary to policies WDM2 and ECC SP1 of Arun Local Plan and the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance for Flood Risk and Coastal Change.

- 4 There is no evidence to demonstrate how the design or layout of the proposal promotes energy efficiency. The proposal therefore conflicts with policy ECC SP2 of Arun Local Plan and the NPPF.
- 5 The proposal lacks sufficient highway information. The applicant has not carried out a parking capacity survey, or provided clarification on the parking strategy or vehicle tracking to demonstrate how each parking space can be accessed. It has not been satisfactorily demonstrated that appropriate levels of parking are provided or that the development has been designed to incorporate facilities for charging electric and plug-in hybrid vehicles. The proposal would therefore adversely affect residential amenity and sustainability and conflicts with policy Policy TSP1 (d) and (f) of Arun Local Plan.
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.