

Recommendation Report for Planning Permission

REF NO: LU/141/25/PL

LOCATION: 57 River Road
Littlehampton
BN17 5DD

PROPOSAL: Partial demolition of number 57 River Road, change of use & re-development to provide a flatted development comprising 9 No. apartments with private amenity space, parking & cycle storage, including the partial demolition of the adjacent boundary wall to provide a new pedestrian access & the creation of a floating pontoon with resident morning spaces (resubmission following LU/251/21/PL). This application affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal includes demolition of the warehouse with the exception of the flint elevation fronting River Road. This elevation will be retained and repaired in a similar manner to the adjoining development at 49 River Road. A section of the flint wall along River Road will be removed, and a new pedestrian access inserted. A vehicular gate will be inserted. The remainder of the wall will be retained and repaired.

It is proposed to erect a building which is part 4 storey and part 3 storey, which is physically connected by an enclosed central fully glazed stairwell providing a glazed gap of 5m.

Entry to the building is from the glazed stairwell which leads up to the proposed upper ground floor of the building (the northern section) which follows the footprint of the existing warehouse. The lower ground floor (northern section) is labelled as a floor void. The building in the southern section is raised on columns beneath which nine parking spaces with rapid charge points for electric vehicles are located. 7 cycle spaces are also proposed, with a secure refuse and recycling area.

In total 9 dwellings are proposed. At ground floor (GF) a 3-bed apartment is proposed, this apartment has access to a small rear terrace. At first floor (FF), two no. 2-bed apartments are proposed with a studio and a 1-bed apartment. All have access to a balcony, either to the front or rear of the building. At second floor (2F) a 3-bedroom, 2-bedroom and studio apartment are proposed; again there are balconies to the front and rear with the 3-bedroom apartment being served by two balconies. At third floor level, a 2-bed apartment is proposed in

the southern building with a large terrace facing south

Double pitch roofs are proposed to the front and rear, with a simple connecting roofline across the glazed core. The materials will comprise brick walls to the northerly block, zinc cladding to the southerly block with the roofs clad in zinc grey metal roofing and composite timber and aluminium windows. The proposal also includes a floating pontoon for residents.

SITE AREA	475 sq m.
RESIDENTIAL DENSITY	189 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The building abuts road frontage in part and the rest of the frontage has flint walling to a height of approximately 2m. Rear to river 1m high concrete wall. Neighbouring properties are located on the boundary.
SITE CHARACTERISTICS	Detached 2 storey warehouse style building with parking area to east. Flint elevations (lower portion on River Road painted) and slate roof. Premises are occupied by Riverside Autos, a car repair garage. External timber staircase to first floor.
CHARACTER OF LOCALITY	The site lies within River Road Conservation Area which is predominantly residential in character and comprises a mix of dwelling designs and height. New dwellings to west are 4 storeys in height. To the east no.49 is detached and 2 storeys high. Opposite modern flat development.

RELEVANT SITE HISTORY

LU/251/21/PL	Partial demolition of number 57 River Road, change of use & redevelopment to provide a flatted development comprising 6 No apartments, with private amenity space, parking & cycle storage. including the partial demolition of the adjacent boundary wall to provide a new pedestrian access & the creation of a floating pontoon with resident morning spaces (resubmission following LU/247/21/PL). This application affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.	ApproveConditionally 24-11-21
LU/247/20/PL	Partial demolition of existing building, retention of boundary wall & street facade, partial demolition of boundary wall to incorporate new pedestrian gateway & gate, erection of 6 No. flats in 2 blocks connected by shared stair & lift core, on site parking yard for 8 No. cars & 8 No. cycles & space for communal refuse & recycling	Refused 11-12-20

bins. This application affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.

This application is essentially a resubmission of LU/251/21/PL. There are a few fundamental differences between the two. The application now proposes 9 units, previously 6 were proposed. Due to the additional units this application proposes more external amenity space in the form of balconies. The additional balconies are to the River Road elevation. 1 more parking space is also proposed.

REPRESENTATIONS

Littlehampton Town Council - Objection

- Intrusive by virtue of the balconies facing River Road.
- its has inadequate parking provision
- Its lacks sustainable features, such as solar panels, despite the opportunity to incorporate them.

21 letters of objection from objections from 13 objectors.

- Loss of views of the river, a cherished aspect of my property.
- The proposal is out of character and detrimental to the area, especially as the site is in the Conservation Area.
- The existing wall already has a large enough opening and it shouldn't be made wider.
- Loss of privacy, overshadowing, River Road is very narrow at this point.
- The works would be disruptive.
- Parking issues will be come exacerbated.
- Vehicles coming out of the proposed parking area could cause a highway problem. River Road is designated a one way street for cars with cyclists being able to cycle on a contraflow.
- The building proposed to be demolished is the only remaining old riverside building that reflects the town's heritage. Cannot see that efforts have been made to find an alternative use for this building, retain more of the existing building.
- No social housing provided.
- Wildlife would loose habitat.
- River Road is becoming a wind tunnel.
- Boiler flue from neighbouring property would cause issues to proposed balconies in future.
- Cars already hit wall of neighbouring property when parking.
- Overdevelopment of site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments made are noted and are addressed in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection.

- The building is one of the last remaining wharfs in the town, it makes a positive contribution towards the character and appearance of the conservation area. It is identified as a Locally Listed Building or Structure of Character.
- The property is located within the Littlehampton (River Road) Conservation Area.

- The yard adjacent to no 47 is one of the few remaining undeveloped plots on the street and appears historically associated with that property. This area of land is important to the character of the local area, as well as for its association with no 47. The loss of this gap site would alter the established rhythm of development, it is acknowledged that both the site and the existing building are in poor condition and detract from the overall character of the conservation area. Redevelopment presents an opportunity for enhancement.
- A similar scheme was approved for the neighbouring building, where the front facade has been retained. Retention of the front elevation is a positive aspect of the proposal.
- The heritage statement notes that the building has undergone significant alterations, including the loss of original materials and structural truncation. The reported structural limitations and economic impracticality of repair, the loss of the building may be acceptable
- This scheme is similar in form and general appearance to LU/251/21/PL, with only minor variations to the exterior.
- The glazed gap between the two sections of building is a positive feature as is the form of the pitched roof which references to warehouse typologies.
- Subject to the detailed design and use of high-quality materials, the development would reflect the recently built adjoining terrace and the character and appearance of the conservation area when taken as a whole.
- The application is not considered to result in harm to the conservation area when assessed in its entirety.

Environmental Health - No Objection. Conditions requested.

Environment Agency - Objection.

- The FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change PPG and its site-specific flood risk assessment checklist.
- The FRA fails to adequately consider how a range of flooding events (including extreme events) will affect people and property and take the impacts of climate change into account.
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for the 0.5% AEP CC, with 600mm freeboard as recommended in government guidance. Consequently, the development proposes inadequate raised finished floor levels.
- Government guidance has been extensively updated since the previous application and now recommends that finished floor levels should be a minimum of 600mm above the estimated river or sea flood level. The FRA for this application proposes the same floor levels as in the 2021 application but does not adequately justify why these are acceptable.

West Sussex Highways (3/9/25) - More information.

- The manual for streets requires 6m manoeuvring space behind a parking space, spaces 1 -3 don't appear to have this. Can the application either change the layout to provide 6m behind the spaces, or demonstrate on plan that manoeuvring from the spaces are possible.

West Sussex Highways (3/9/25) - Advice

- The current proposed access arrangement would also appear acceptable. The applicant is advised to enter into discussions with WSCC in regards to the proposed access/footway works.
- The parking layout appears quite cramped for parking bay nos. 1, 2 and 3. Swept path tracking diagrams have been provided, which demonstrate that on-site turning is achievable for these bays - however, this may not be achievable for bays 2 and 3 if the adjacent parking bays are occupied. Whilst this would not be a highway safety concern from a planning perspective, the proposals presented do appear cramped and may make access difficult. I would advise that the proposed parking layout be reconsidered by the applicant.

- It is expected a development of this size and location to provide 11 car parking spaces. Any overspill parking would have to be accommodated on-street. There are comprehensive parking restrictions in place on the nearby roads that prohibit parking in places that would be detrimental to highway safety. The Local Planning Authority are advised to consider the potential impacts on on-street parking from an amenity point of view.
- Cycling is a viable option in the area, and the applicant has demonstrated cycle parking provision for seven bicycles. It is advised that that at least nine cycle parking spaces should be provided.

Conservation Area Advisory Panel - No Objection.

- The significant loss of historic fabric of the existing historic warehouse is regrettable but it is accepted that planning permission has previously been granted for this.
- Before works commence, the existing building should be properly recorded. This would be appropriate given that it is one of the few original 19th Century warehouse buildings remaining on the riverfront and is an important reminder of the historic development of Littlehampton Harbour.
- The installation of a panel explaining the background and importance of the warehouse structures in this section of River Road would be welcomed.
- The Panel considered that the replacement of the very large concrete repair patch on the facade of the building with properly formed flintwork (using flints from the demolished part of the structure) would be appropriate.
- The proposed new structure, there is minimal change in form, massing and external appearance to the previously permitted scheme.

Drainage Engineer - Objection

- The runoff destination is not currently in accordance with the requirements of the NSfS. Therefore, we object to the application.
- Evidence has not been provided to justify the lack of interception drainage provided as part of the sustainable drainage design. Interception drainage is not currently in accordance with the requirements of the NSfS.
- The drainage strategy is to attenuate large return period storms within a below ground storage tank with a restricted outlet to a sewer for the roof area, and the external areas to discharge to the River Arun without restriction. The design shown in the drainage assessment is a concept level mark-up, and not an engineering design with sufficient information (or with a number of inconsistencies) for full planning stage.
- No mitigation or specific design is proposed for water quality. No assessment is provided on the mitigation of water quality for the sustainable drainage system.
- No mitigation or specific design is proposed for amenity / multifunctionality and no assessment is provided on the amenity aspect for the sustainable drainage system.
- No mitigation or specific design is proposed for biodiversity and no assessment is provided on the biodiversity aspect for the sustainable drainage system.
- Full comments can be found online; it is recommended the applicant review these.

Ecology Officer - No Objection. Conditions requested.

- A preliminary bat roost assessment was followed up by a bat emergence survey. No bat roosts were identified during the surveys.
- Bird nesting was identified within the existing building. Checks by a qualified ecologist are required to establish if nests are active prior to demolition.
- Enhancement can be secured by condition.

Greenspaces - No Objection with condition suggested.

- No significant tree or vegetation removal would appear to be required or indicated to facilitate the proposals.
- There would be requirement for a contribution to be sought for recreation and leisure facilities as

detailed in our SPD Open Space, Playing Pitches, Indoor and Built Facilities January 2020. This 9 flat development should generate $9 \times £1730.30 = £15,572.70$ for offsite Play as a 106 contribution.

- Contributions are necessary in planning terms due to the additional demand generated by the population increase. Residents of the development are likely to use local public open space and its facilities and participate in a range of sports which cannot be accommodated within the development.
- There is relatively limited space on site to provide any green areas or soft landscaping. Where possible new onsite green infrastructure should be incorporated and detailed within the design.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within River Road Conservation Area
 Abuts River Arun
 Building of Character
 Flood Zone 3
 1:1000 Surface Water Risk on River Road
 Littlehampton Economic Growth Area
 WSCC Mineral Consultation Area
 2KM Buffer SSSI

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QEDM4	QE DM4 Contaminated Land
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
SDSP1	SD SP1 Sustainable Development
EMPSP2	EMP SP2 Economic Growth Areas
EMPDM1	EMP DM1 Employment Land: Development Management
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy

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
 Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020
 SPD13 Arun District Design Guide (SPD) January 2021

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 conflict with relevant Development Plan policies in that there would be adverse effect on the amenities of future and existing occupants, the proposal fails to have regards to the effects of flooding and climate change, the proposal has not provided adequate vehicle or cycle parking and has not contributed towards open spaces and play equipment.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act 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 comply with these criteria in that it is not considered to materially affect the character of the Conservation Area or locally Listed Heritage assets within it.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the

CONCLUSIONS

PRINCIPLE

The site is located in the Built-up Area Boundary (BUAB) where Arun Local Plan (ALP) policy SD SP2 supports development subject to compliance with other policies in the Plan. The application site is situated within a sustainable location close to the town centre and railway station, the principle of development is acceptable.

The proposed development will deliver 9 additional homes on previously developed land in accordance with policy SD SP1a, and will contribute towards meeting the Council's overall housing needs as detailed within policy H SP1. The proposed residential units will comprise a mix of apartment sizes.

Policy 1 of the Littlehampton Neighbourhood Development Plan (LNDP) states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where applications in conflict with policy 1 would be acceptable. Policy 2 of the LNDP seeks to focus development in the built up area boundary. The proposal would accord with these policies since the site is within the BUAB.

The sections below will go on to make a planning assessment of what is proposed and whether planning permission should be recommended.

VISUAL AMENITY AND CHARACTER

ALP policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Character, Appearance, Impact, Innovation, Layout, Density and Scale. ALP policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The existing building is situated in a prominent location within River Road being visible from the river, bridge and road frontage. Whilst showing signs of neglect it does make a contribution to the historic character of the area. Therefore, visually, its retention is preferred to its complete demolition. It is proposed to retain most of the front facade, similar to Riverside Wharf the neighbour to the north.

The proposed buildings have been designed in a way which does relate to the physical characteristics of the site, however, the density of development would be higher than surrounding buildings. For town centres, Part G of the Arun Design Guide (ADG) recommends flat densities of 60-100 dwellings per hectare with densities expected to decrease from the town centre. This site is on the periphery and the density of 189 dwellings per hectare is considered high for the location.

Alone the high density, despite conflicting with policy and guidance, would not warrant an overall conflict with policy D DM1, as alone the high density of built form is not visually apparent and causes no harm.

The retained elevations at 47 River Road and the warehouse at 57 and former workshops at 49 River Road are all 2 storeys in height and provide a contrast of scale with the taller buildings along the street. Gabled garage buildings further east on River Road continue this variety of scale which contributes to the character of the area and offers clues for the development proposals at 57 River Road.

River Road is fronted primarily with 2 and 3 storey dwellings punctuated with the 4 storey development at 47 River Road and the set back massing of the 4-6 storey building at Mariners Quay. The proposal is for 2 blocks, one of 3 storeys and another 4 storeys with ridge heights lower than the adjacent development

at 47 River Road. The glazed stairwell is entered at street level, with the ground floor of the northern building being positioned above a built void making the ground floor an 'upper ground floor'. The floor levels of each building remain staggered, with the northern building's floor levels being higher than the southern building's.

The layout of the buildings respects the spatial characteristics of neighbouring buildings. The front and rear building lines of northern block are largely reflective of 47 River Road's. The southern block's building lines transitions between the northern block's and the neighbour to the south, 49 River Road's. The southerly block also steps back at second floor along the south east boundary, and the height when combined with distance to the southern boundary respects the scale of 49 River Road and is not overly high in relation to it. The form and character of the development is in keeping with its surroundings and accords with part J of ADG which seeks to respect the existing landscape and townscape by creating buildings with a form and character that reflects and enhances the distinctive architectural qualities of the surrounding area.

The height of the southerly unit is acceptable and the massing of the 2 buildings sits comfortably within the street and river scene. River Road is relatively narrow making the oblique views along the street important visually. Both buildings have set back top floors with terraces.

The finish of the buildings would include brick with a contrasting metal cladding. The cladding would reflect some of the metal clad buildings associated with ship building, particularly those on the opposite side of the river. It is considered that these material would be in keeping with the heritage of the building as an industrial unit. Glazing would be reflective of neighbouring buildings, especially 47 River Road, opening would be full length fenestration.

Despite the new buildings not being subservient to the existing (of which the front facade is to be retained), the holistic redesign of the site is in keeping, and reflective of the existing usage of the site and the scheme does efficiently provide housing on a brownfield site. The NPPF para 125 give great weight in the reuse of brownfield land for housing, and for these reasons, justifies the minor conflict arising with ALP policy D DM4.

The design and materials are considered acceptable in accordance with part of D DM1 and the development would improve upon the character of the site and surrounding area by improving the appearance of what is a building in a poor state of repair which is deteriorating in appearance and an untidy visually unattractive storage area, which detract from the appearance of the Conservation Area. The development as a whole complies with the requirements of policy D DM1 of ALP.

RESIDENTIAL AMENITY

ALP policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity as does ALP policy D DM4. ALP policy D DM1(3) requires development to have a minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Planning policy indicates that good design should contribute positively to making places better for people.

Part H and R of the ADG are pertinent to this application. Part R of the ADG prescribes that dual aspect apartments are encouraged and natural surveillance of communal/public areas aids in crime prevention. The development has many multi-aspect apartments. Views across the carpark are possible.

In terms of residential amenity, the River Road frontage faces onto the flatted development at Pharos Quay. Between elevations there is an approx. 12m separation gap. Part H of the ADG states that front to front relationships should be a minimum of 16m, such that the proposed gap would be detrimental to the

amenities of existing occupants. However, there are already existing relationships present in the street which are reflective of the proposed situation, these are between 49 River Road where two bedroom windows face onto numerous openings/juliette balconies at Pharos Quay, and 5 Riverside Wharf (47 River Road) which has rooms to the first and second floors which have a direct relationship with Pharos Quay. At second floor level there a balcony is present on 5 Riverside Wharf.

Issues arise when the proposed balconies are considered. One difference between this scheme and the now lapsed approval, are that two smaller balconies are proposed to the River Road elevation to the most southern building. They have been presumably added so that the newly proposed flats have access to external amenity space are required by other parts of the ADG. The balconies jut out approx. 1.5m from the face of the building. this reduces the acceptable but already limited separation gap between buildings by a further 1.5m. Also, whereas a window within a facade limits views by its constrained nature, the balconies allow full and open views across River Road and on to the length of Pharos Quay. This results in an unacceptable level of overlooking.

Although previously approved, the second floor balconies (front and rear) also abut the balconies and terraces of 5 River Wharf, there is slight staggering due to the levels differences however there will be direct views between balconies.

There is also inter-development overlooking issues between the north and south building's first and second floor rear (river facing) units. There is only 5m separation gap between the buildings at this point. Various views can be achieved between the side returns of balconies and between facing habitable windows. It is acknowledged that views from two windows have been partially reduced with obscure glazing and are between stagger floors, however, the views are direct, and come from both above and below due to the staggering between floors/buildings meaning any obscure glazing does little to alleviate the issue.

The separation gap between the south building and 49 River Road is approx. 2.5m, within the first floor roof of this property is a roof light which serves (and is the only opening) to a bedroom. Given the flood risk in the area, the first floor of this property contains all the habitable space, the ground floor of this property has no sleeping accommodation. The layout of no 49 River Road was approved in 2025. The distance between the south's rear facing balconies and the rear terrace of no. 49 River Road, is approx. 8m. This is greater than the relationship between this terrace and the adjoining neighbours at 4 Britannia Quay and is acceptable. A window will be positioned to the southern elevation of the host building which will be partially obscured and will not achieve views into the rooflight and is acceptable. Despite this there is a full length balcony directly above on the third floor which will also generate views into the roof light. They will be downward views and gain full views in to a bedroom, this would result in a loss of privacy in this room.

The development is not considered overbearing on no 49 River Road by the fact that the southern building's elevations step down towards the neighbouring building. The separation gap combined with the reflective height between the neighbouring buildings is therefore acceptable.

Although it is envisaged that some of the numerous issues identified above could be resolved with obscure glazing/screening, it is considered in its current format that the design has been poorly thought out and creates significant instances of overlooking between neighbours, both existing and future. Even if obscuring views was undertaken, this may lead to the internal quality of some rooms being of low quality design. Obscured windows to single aspect rooms is discouraged. This is contrary to ALP policies D DM1, D DM4 and QE SP1. The NPPF para 135 states that decisions should function well and add to the overall quality of the area, and provide a high standard of amenity for existing and future users. This proposal has failed to do this.

HERITAGE

ALP policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance.

The ALP policy for assessing impact on the Conservation Area is HER DM3, which supports proposals that preserve or enhance its character. This includes respecting layout, form, scale, detailing, spaces between buildings, historic boundaries, and key views into, out of, or within the area.

For the partial demolition of a Building of Character, HER DM2 applies. It states that the loss of a Locally Listed Building will only be permitted where it's demonstrated that the building cannot be put to a viable use. In this case, while the ground floor is in use, the agent advises it is not viable long-term. Any replacement must be of high-quality design. Where public benefits outweigh the harm, the proposal must be clearly justified.

LNDP policy 17 refers to locally important heritage assets and is relevant to this application.

Chapter 16 of the NPPF paragraphs 207 and 208 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and its weight against public benefits of the proposal. A Heritage Report has been provided.

The existing property is a small warehouse that has clearly been adapted a number of times since its construction. It is one of two unlisted, but locally important buildings (no 49 to the south is also a building of special character), which are rare survivals of the east bank wharves and quays. The site lies within the Littlehampton River Road Conservation Area. A key element of the Conservation Area is its relationship with the river. Many of the buildings reflect the growth of the harbour of that period. River Road is characterised by a series of terraces with narrow vertical breaks. The yard adjacent to 47 River Road is one of the few remaining undeveloped plots along the street and appears historically associated with that property. The building is of architectural and historical significance.

The site is currently vacant and in a poor state of repair, such that it currently detracts from the character of the area. The redevelopment of site provides an opportunity to enhance the site's appearance. The Heritage Report and Economic Development Statement have identified that the building has undergone significant alterations over time, and that now it would not be financially viable to bring the building back into a viable use, such the the loss of the building, although regrettable, is accepted. For these reasons the proposal therefore accords with ALP policy HER DM2 and LNDP policy 17.

The site includes a building which will have the front portion maintained within the street scene to retain a historic reference and the development maintains a 2.5m gap along the boundary with 49 River Road preserving part of the established gap. The development would reflect the design and ethos of the adjacent development to the north and would not appear out of keeping in its context. The 2 parts of the development share the same silhouette - metal double gabled roofs minimise the overall height and make reference to the historic warehouse elevations and the roof profiles of adjacent developments.

The flint cobble and brick wall makes a positive contribution to the street scene in terms of its form and materials. Retaining this wall will preserve the physical and visual relationship of the yard and its boundary to the warehouse and continue to be a positive historic feature within the street scene. Details would be required to ensure front elevation is carefully protected and that any opportunities to repair the flint work are sensitively undertaken. The Conservation Officer has requested an interpretive information board explaining the site's history, this could be developed in collaboration with the local heritage group.

There will be limited views of the river achievable beneath the southerly block which is lifted up 2.1m on columns to allow parking provision, gates appear not be solid such that this would also allow views

through the site. The development is designed with two separate accommodation blocks with a 5m gap bridged with a fully glazed stair and lift core, which retaining views toward the river. Subject to final details of the gates being obtained, the proposal still retains glimpses of the river, although the overall openness of the yard with extensive views will be lost.

In accordance with para 216 of the NPPF, the proposal results in the partial loss of a building of character this is justified above and does not have an adverse overly dominant impact on the setting of a Building of Character (49 River Road) within the Conservation Area. The development is sympathetic in scale and form to the adjoining building, which is also in residential use and has obvious features which identify this. The proposal is therefore considered to preserve and enhance the character of the area by retaining part of the existing building, making reference to its history, acknowledging its importance and retaining the historic character in compliance with ALP policies HER DM3 and HER SP1.

In conclusion, whilst the gap in the Conservation Area is reduced in width some important views/glimpses of the river would be lost, the proposal would enhance the appearance of the area by replacing what is currently a dilapidated building with a new structure of appropriate design which retains elements of the existing building and its historic relationship with the area. On balance, the application is not considered to result in harm to the Conservation Area when assessed in its entirety. It should therefore be determined in accordance with the relevant policies of the Development Plan.

The development respects the adjacent building of character and removal of the building of character is adequately justified which means that the development as a whole preserves and enhances the character and appearance of the Conservation Area and is therefore acceptable in terms of compliance with ALP policies HER DM3, HER DM2 and HER SP1.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 requires new dwellings to be designed in accordance with the Nationally Described Space Standards (NDSS). The proposal provides dwellings of the following gross internal floor area and configuration:

- 3-bed, 6-person dwelling at 112sqm.
- 1-bed, 2-person dwelling at 51sqm.
- 2-bed, 3-person at 62sqm.
- 2-bed, 3-person at 64sqm
- 2 no. Studio at 41 sqm.
- 2-bed, 3-person at 61sqm.
- 3-bed, 4-person at 80sqm.
- 2-bed, 3-person at 60sqm.

The top floor apartment is 1sqm short of the requirements set out in the NDSS, however this is a minimal shortfall and is allowable.

Paragraph 130 of the NPPF requires that new development has a high standard of amenity for existing and future users. ADG Paragraph H.04 suggests balconies should have a minimum of 3sqm of usable space to be considered suitable.

The flats are provided with appropriately sized balconies and patios and there is significant public open space nearby so as to consider the flats to be supplied with sufficient external amenity space as per the NPPF guidance and that set out in ADG.

FLOOD RISK

The site is located within Flood Zones 3a, indicating a medium to high probability of flooding from tidal

and/or fluvial sources. Zone 3a comprises land assessed as having a greater than 1 in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.

Policy W DM2 of ALP requires that development in areas at risk from flooding will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test has been met.
- b. An acceptable Flood Risk Assessment is provided.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard.

With regard to parts a and b the proposal includes a site specific Flood Risk Assessment (FRA) which includes a paragraph entitled sequential testing (ST) which cannot be considered to be a sequential test because it is very limited in content and does not adequately consider the possibility of the development being located elsewhere. Part of the policy is not therefore met.

Para 24 of the PPG states the ST ensures that new development is steered to areas with the lowest risk of flooding. Where this is not possible, the ST should go on to compare reasonably available sites at medium risk areas; and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

The ST does not have regard to the presence of existing flood risk management, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Para 27a defines the area of search for the ST, in this instance it would be appropriate to define this as the BUAB of Littlehampton. This is as a result that Littlehampton is a coastal town and adjacent to a major river (such that a good proportion is subject to a medium to high flood risk), development is still required within Littlehampton to sustain the existing community, but the scale of the search area is proportionate to the nature and scale of the proposed development.

Para 177 states that having applied the sequential test, the exception test may have to be applied. Despite the ST not having been applied, and conflict with ALP policy W DM2 and the relevant parts of the NPPF and NPPG, the exception test will be examined for completeness.

Para 178 of the NPPF sets out the requirements of the exception test. It should meet the following tests; it should provide wider sustainability benefits to the community that outweigh the flood risk; and it should be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. The exception test has been submitted. This has set out the following benefits:

- The location is highly sustainable.
- It provides safe and attractive residential units in a very popular, sought after riverside location.
- The proposed development forms an extension of the recently developed 47 River Road by the same Client.
- The proposed development is on previously developed land.
- Mitigation measures are proposed as part of the development, this will reduce surface water flood risk.
- The proposed development is located within the Littlehampton Economic Growth Area which is an area identified for development from the Housing and Economic Land Availability Assessment (HELAA)

Whilst some of these are features of sustainable development, none offer wider benefits to the community. However, a recent appeal (LY/11/23/PL), the Inspector found that the development would enable the restoration of the Grade II Listed Building. For the same reason, this application although not

retaining a whole building, it would retain the front facade, which contributes positively to the character and appearance of the Conservation Area. For this reason and the great weight afforded the re-use of brownfield land for housing (para 125 NPPF, para 36 NPPG), the development has passed part (a) of the exception test.

The second requirement of the exception test that must be met is that the development must be safe and not increase flood risk to others. The Environment Agency have objected to the proposal as a result that the proposed mitigation measures to address flood risk for the lifetime of the development (i.e. the raised floor levels) are inadequate because they will not make the development resilient to the flood levels for the 0.5% AEP CC, with 600mm freeboard as recommended in government guidance. The Environment Agency confirm that since the previous application Government Guidance has been substantially updated, the floor levels proposed in 2021 are now inadequate. The development is not therefore considered safe for the life of development and does not pass part (b) of the exception test.

In terms of compliance with parts (c) - (f) of the ALP policy W DM2. Wider sustainability benefits have been identified above, the raising of the ground floor has provided some adaption measures (albeit these are non-compliant) such that part (c) and (d) are satisfied. Part (e) has not been satisfied as the FRA does not provide information in respect of emergency flood evacuation or warnings. Part (f) will be discussed below.

The proposal does not accord with policy W DM2 as it conflict with W DM2(a), (b), (e) and (f) for the reasons set out above. The Environment Agency have also confirmed that the mitigation is not sufficient and the FRA has not considered a range of flooding events. The proposal fails to accord with ALP policy and the relevant parts of the NPPF, especially those detailing the sequential and exception tests, which have failed.

DRAINAGE

ALP policy W DM3 states that, to improve water quality, storage, and capture, development must identify opportunities to incorporate a range of SuDS appropriate to the scale of development, and at an early stage in the design process. Policy W SP1 similarly encourages the integration of SuDS, particularly where they can mitigate flood risk.

Paragraph 182 of the NPPF requires SuDS to be incorporated to control flow rates and reduce runoff volumes, while also delivering multifunctional benefits such as improvements to water quality, biodiversity, and amenity. The NPPG further advises that SuDS should be designed using nature-based techniques to replicate natural drainage as closely as possible. It reiterates the importance of considering drainage design early in the process (Paragraph 055), outlines the SuDS hierarchy (Paragraph 056), and references the SuDS Manual and the Statutory Technical Standards (June 2025) as key sources of guidance (Paragraph 057).

It is proposed to discharge surface water to both the combined sewer and the river. However, discharge into a open water body, as a higher priority location, should be maximised before discharge to the combined sewer. This has not been evidenced. As the discharge location is not in accordance with the Drainage Hierarchy, as set out in the National Standards for SuDS (NSfS) and the SuDS Manual, the Drainage Engineers object to the proposal on this basis.

No interception features have been proposed, and the proposal does not accord with Standard 2 of the NSfS. Interception for frequent rainfall events; which helps prevent frequent rainfall events from leaving the site, is particularly important in non-infiltration designs as there are no other interception opportunities other than evapotranspiration. Incorporation of interception features may have an impact on the scale and layout of the development. This does not accord with Standard 2 of the NSfS or ALP policy.

Storage of surface water for storm events will occur underground in storage tanks with restricted discharge to the river proposed. The proposed run-off rate does not accord with guidance, and no relaxation of the discharge rate has been agreed with the Local Authority. An incorrect climate change allowance has also been applied, resulting in inadequate storage volume. It is acknowledged that unrestricted discharge to the river may be possible with the consent of the Environment Agency; however, no consent has been provided. Storage would still be required as discharge to the river may not be possible during tide lock. As an agreed discharge rate is unknown, the volume of storage is also undetermined. The provision of an unknown volume of storage may have an impact on the scale and layout of the development.

No assessments have been provided in respect of water quality, biodiversity, or amenity benefits. This does not accord with the NSfS. This does not accord with the NSfS or ALP policy.

The proposal does not prioritise the highest priority (and most sustainable) discharge location, has not incorporated interception features, has not accounted for the flood risk of site, and has inadequately provided for the storage of stormwater on site. These issues may impact the size and scale of the development. With respect to inadequate water storage and discharge rates, this may result in an increased risk of flooding on site or elsewhere. The proposal does not accord with ALP policy W DM3 and does not gain the support of policy W SP1. It also does not accord with paragraphs 181, 182, and 187e of the NPPF and the relevant parts of the NPPG.

HIGHWAY CONSIDERATIONS

ALP policy T SP1 seeks to ensure that development provides safe access on to the highway network and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

In respect of highway safety, development which give priority to pedestrian and cycle movements and have access to high quality public transport facilities and create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter will be supported. With regard to parking, development which incorporates appropriate levels of parking in line with adopted standards will be supported.

Pedestrian movement has been prioritised as a new section of footpath is proposed to link to the sections either side of the site. The resultant road is narrow, and only allows for parking on one side of the street along the length of the highway.

Arun's parking standards require 2 spaces for each 3 bed unit and 1 space for each of the 1/2 bed units, plus 20% for visitors equating to an additional 1.8 spaces. This results in a total requirement of 13 spaces. The ground floor provides 9 parking spaces. There is a shortfall of 4 spaces. Furthermore, the size of the spaces do not meet the requirements of Part I of the ADG.

It has been noted by WSCC Highways that spaces 1-3 have do not have the required 6m behind the parking spaces to allow for turning into and exiting the spaces. The requested additional tracking to demonstrate that entry and exit from the spaces was possible, unfortunately the information returned to us actually demonstrated that cars entering/exiting the spaces would foul the neighbouring space. As such, spaces 1-3 have not been proven usable, and would therefore not be counted in the parking capacity and the shortfall is increased to 7 spaces.

As parking is proposed (at least in part) it would be reasonably expected that future owners would be private vehicle owners, and would expect; or at least attempt to park on site. Had the proposal been car free from the outset, it could have been argued that future occupiers would be unlikely to be car owners. Policy T SP1 requires the impact of on-street parking to be considered, this is determined to be

particularly important given the shortfall in on-site spaces and the expected ownership by future owners. No highways capacity study has been provided

The cycle parking generated would be 1 per unit requiring 9 spaces. Insufficient spaces are indicated on the ground floor plan, as 7 cycle spaces are proposed.

The site is located within the town centre and is highly accessible by more sustainable modes of travel than the private car, however, as the development is not car free there would be a reasonable expectation for future occupants to be car owners. This does not incentivise occupiers to have less reliance on private car, and to use public transport and will potentially create issues with parking along the newly formed pavement. This would disadvantage pedestrians using the pavement and those accessing the development on foot. The proposal does not provide sufficient car or cycle parking but due to the town centre location this does not result in such demonstrable harm that the application should be refused.

EMPLOYMENT OPPORTUNITIES

The site lies within an Economic Growth Area which has been designated in the Local Plan to promote vitality, viability and regeneration within the area and contains an employment site in the form of a garage/workshop with one employee. Policies EMP DM1(2) and EMP SP2 are therefore relevant.

The site is currently vacant, having previously been a car repair garage. ALP policy EMP DM1 would still require evidence that the site has not been made deliberately unviable and that it has been actively marketed for a reasonable period of time. Evidence of marketing has not been submitted, however an Economic Development Statement has been submitted. This statement confirms that the building is in a dilapidated state and it would cost approx. £150,000 to bring it back into usable condition. As a workshop it would generate very modest annual revenue, such that it is not financially viable to bring the building back into its current use. If it were to be upgrade to office accommodation, it would cost in the region of £245,000, this would represent an even higher cost to the landowner, for which the returns make the scheme unrealistic and unviable.

ALP policy EMP SP2 encourages the Council to work with partners to enhance local employment opportunities within Economic Growth Areas, supporting development that provides for additional or enhanced small scale retail opportunities, commercial, leisure and restaurant uses. Development within this area will be encouraged where it safeguards the harbour, addresses flood risk and contamination and which assess nature conservation. Included within the policy other aim of providing additional moorings provided it is not detrimental to the flood defences.

The viability of converting the property to another use is discussed above, this along side the fact the development will not negatively impact the operation of the harbour and includes additional moorings such that it accords with this policy.

In the long term the proposal would provide additional residential units and moorings which would help to support the town's functions in compliance with ALP policies EMP SP2 and EMP DM1.

SUSTAINABLE CONSTRUCTION

ALP policy ECC SP2 states that all new residential and commercial development will be expected to be energy efficient and to demonstrate how they will achieve energy efficiency measures, use design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems.

The proposals will incorporate a range of design and energy efficiency measures throughout the site, including:

- High performance fabric.
- Energy efficient heating and hot water production.
- Low carbon technologies will be adopted.
- Low energy lighting.
- Monitoring energy use.
- Smart meters.

The proposals have an efficient form and good orientation to allow these approaches to be effective. In accordance with ALP policy ECC SP2 it is recommended that a condition would be appropriate if a positive recommendation were to be made.

THE WATER ENVIRONMENT

The use of a pontoon for private moorings would increase the moorings available within the area and add to activity along the waterfront which accords with policy EMP SP2 of ALP which seeks to support additional and enhanced leisure activities and policy TOU SP1 which recognises the importance of waterfronts as main tourism asset. The Environment Agency have no objection to the proposal.

CONCLUSION

The proposal is located within the BUAB in a highly sustainable location where policy SD SP2 of the ALP supports development subject to compliance with other policies. Policy SD SP2 reflects the aims of the NPPF and, despite the shortfall in housing land supply (HLS), is afforded significant weight.

Paragraph 125(c) of the NPPF states that substantial weight should be given to the redevelopment of brownfield land for housing; this applies fully to the proposal. The scheme would deliver nine dwellings on a small-scale site, likely to be built out quickly, and offering a mix of dwelling sizes. Paragraph 73 of the NPPF gives great weight to the benefits of using suitable sites for housing development. In this instance this does not apply as the site is deemed unsuitable due to the high flood risk.

The proposal would create a visually attractive, high-quality place, enhancing the area by replacing a dilapidated building with a well-designed structure that retains elements of the existing building and its historic relationship with the locality. Individual external amenity space is provided for each flat, although these are not well designed to ensure privacy. The scheme accords with ALP policies on design, character, and heritage, and with paragraphs 135(b), (c), and (d) of the NPPF.

The proposal aligns with ALP economic policies; however, only neutral weight is afforded to housing provision supporting the local economy (NPPF 90(f)), primarily due to the loss of an existing business premises.

Conversely, the development fails to provide a high standard of amenity for existing neighbours or future occupiers, resulting in harm to quality of life. It does not accord with ALP policy or NPPF paragraphs 135(a), (f), and 139, which direct refusal in such cases.

The proposal has not sequentially tested alternative sites at lower flood risk, nor passed the exception test, as floor levels are not set appropriately to mitigate climate change impacts. It fails to comply with ALP policy W DM2 and NPPF paragraphs 162, 164, 170, 174, and 179, some of which direct refusal. The scheme does not meet SuDS requirements, drainage hierarchy standards in the NSfS, or NPPF paragraphs 181, 182, and 187(e). Failure to address flood risk and drainage policies would increase flood risk for future occupiers and the wider area, causing substantial harm to social and environmental objectives.

Overall, the negative impacts; including harm to quality of life, amenity, and safety, mean the proposal cannot be considered sustainable development. Paragraph 11(d)(i) applies, directing approval unless

policies protecting areas or assets of particular importance provide strong reasons for refusal. In this case, flood risk and climate change policies provide such 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) 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

As the site is in zone 4 and for flatted development, this application is not CIL Liable.

RECOMMENDATION

REFUSE

- 1 Having regard to the limited area of the site and its relationship to existing residential properties and those which would be created by the development; the proposal would give rise to an unneighbourly and excessive loss of privacy, which would be prejudicial to the amenities and environment of the locality in conflict with Arun Local Plan policies D DM1, D DM4 and QE SP1 and the relevant part of the NPPF.
- 2 The Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments (paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance) and its site-specific flood risk assessment checklist. In particular, it fails to adequately consider how a range of flooding events (including extreme events) will affect people and property and take the impacts of climate change into account, and it fails to make the development safe for its lifetime. It cannot be ensured that the site or the wider area will be safe from future flood events, and the harm identified will impact both social and environmental objectives outline in the NPPF. This is contrary to Arun Local Plan policy W DM2 and the NPPF.

- 3 The development has failed the sequential test and exception tests utilised to firstly avoid the impacts of flood risk and then to ensure that development and the wider area are safe from the impacts of flooding. It cannot be ensured that the site or the wider area will be safe from future flood events, and the harm identified will impact both social and environmental objectives outline in the NPPF. The proposals are therefore contrary to Arun Local Plan policy W DM2 and the NPPF.
- 4 The proposal has not provided a drainage strategy which accords with the Standards set out in the National Standards for SuDS. It has failed to discharge in accordance with the hierarchy, intercept frequent storm events or provide water quality, amenity or biodiversity benefits. As a result, it is not possible to determine whether surface water runoff would be discharged in a sustainable manner or if it has taken account of climate change and existing water environment. Overall, it has not been demonstrated that the risk of surface water flooding would not increase on site or elsewhere. The proposal conflicts with Arun Local Plan policies W DM3, W SP1 and relevant paragraphs of the NPPF and NPPG.
- 5 In the absence of a completed Section 106 agreement, the development fails to make a contribution towards open spaces and play equipment and is thereby contrary to the aims and objectives of the NPPF and Arun District Council's SPD on Open Space, Playing Pitches, Indoor and Built Facilities January 2020.
- 6 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) 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 provide pre-application advice in respect of any future application for a revised development.