

Recommendation Report for Planning Permission

REF NO: LU/151/21/PL

LOCATION: 25 River Road
Littlehampton
BN17 5BZ

PROPOSAL: Demolition of existing car garage and the erection of 2 no. two-storey residential buildings comprising 5 no. flats with associated works. This site 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 demolition of an existing commercial car garage and the erection of 2 x 2 storey buildings incorporating 5 flats with associated car parking and garden space.
SITE AREA	356 sq,m,
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	An existing commercial car garage.
CHARACTER OF LOCALITY	A predominantly residential area close to the town centre of Littlehampton

RELEVANT SITE HISTORY

LU/126/19/PL	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.	Refused 27-09-19
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LU/126/19/PL for 9 dwellings was refused on grounds of overdevelopment and being contrary to the Conservation Area.

REPRESENTATIONS

Littlehampton Town Council - Object. Insufficient parking.

Conservation Area Committee - Garage parking on River Road is considered unacceptable. Block on Terminus Place is too large and overbearing.

10 representations from neighbours received making the following points;

- Excavation for basement car park will damage neighbouring properties.
- Breaches party wall agreement.
- Dangerous access onto River Road from parking spaces.

- Loss of light to and overlooking of neighbouring properties.
- Building fronting Terminus place will have an overbearing impact.
- Lack of parking.
- Garage parking on River Road inappropriate.
- Detrimental impact on the Conservation Area.

1 letter of support was received citing that the development would be a vast improvement on what is currently there.

Updated statement from agent concerning unsuccessful attempts to market the site for employment purposes. He cites that the reasons cited in previous application were accepted and remain namely that:

- The building is in a poor state of repair;
- The cost to bring it in line with modern day standards would be unviable;
- Advancements in automotive technology requiring special equipment are only available at main dealerships;
- Lack of visibility and presence- most people are unaware of its location;
- The residential location of the site is likely to generate noise complaints;
- The exorbitant rateable value of the property has deterred potential occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Issues raised covered in conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Development - No objection.

Environmental Health - No objection subject to conditions relating to sound insulation, land contamination, construction management and construction hours.

WSCC Highways - Further information sought on parking spaces.

ADC Conservation Officer - The development is not considered to adequately reflect the Conservation Area and will cause less than substantial harm to the Conservation Area.

Environment Agency - No objection subject to conditions.

ADC Drainage - No objection subject to conditions.

ADC Parks and Greenspace - No landscape objection to the proposals, subject to submission of full landscape scheme details to be submitted and approved.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
CONS AREA

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD2	Conservation Areas

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies 1 and 2 of Littlehampton Neighbourhood Plan are relevant to 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 not considered to comply with relevant Development Plan policies in that the building to the rear would be cramped on the site and lead to an adverse impact on residential amenity of

neighbouring buildings

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.

OTHER MATERIAL CONSIDERATIONS

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

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 policies D DM1 and D SP1 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.

Relevant sections of Arun's Design Guide are also applicable and identified below.

DESIGN AND VISUAL AMENITY

The application proposes the demolition of the existing car garage/workshop and the erection of two blocks of apartments, which collectively provide 5 residential units. One of the blocks will front on to River Road, whilst the other will front on to Terminus Place. Both of the buildings will be 2 storeys with semi-underground parking (with the parking being visible to the street). The proposed units are to be rendered with pitched roof elements.

The current condition of the building/site detracts from the conservation area and causes harm to it. Therefore on balance, its loss and redevelopment can be considered to be an enhancement of the local area and is therefore acceptable. This is subject to details of the replacement development, which is expected to be of a standard appropriate for its historic context.

The concept of redeveloping the site offers the opportunity to better reveal what is important about the site and local area. This concept should inform the proposed design of the development, as should an assessment of the local area.

The River Road building appears to follow the building line of the neighbouring properties, which is positive, whilst the Terminus Place building is set back in order to accommodate two parking spaces. The concept of maintaining the River Road street frontage will ensure that the character of the local area can be reflected.

However, it is not clear how the proposed buildings are inspired by the various attractive, traditional properties within the conservation area. Whilst the idea of the semi-basement style car parking is understood in that it allows for the creation of off-street parking, it creates a raised ground floor, whilst also increasing the height of the buildings overall. It also results in the car parking area dominating what would normally be the ground floor area of any property. The fenestration pattern is also different from those in the immediate area where bay windows are present and limited, if any, Juliet balconies are seen. Therefore, the front elevations of both buildings appear out of character with those of a more traditional construction in the conservation area.

Whilst the proposed block of apartments in Terminus Place are now similar in height to the existing traditional properties, they have a more complex front elevation, which is out of character, this is enhanced by the undercroft car parking and the raised terrace area at the upper ground floor level.

P.01 Infill Development of the Arun Design Guide requires that Infill developments such as this located within an existing built-up area is informed by surrounding buildings and spaces in order to contribute to a sense of cohesion and unity. The prevailing character of the area should always inform development unless exceptionally high quality design is proposed.

In this case for the reasons given above the proposal is not considered to accord with policy D SP1 and D DM1 of the Arun Local Plan.

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.

Policy HER DM3 requires that applications will be granted permission where they preserve or enhance the character or appearance of a Conservation Area. This is provided, HER DM3 (a), new buildings and structures acknowledge the importance of their special environment

The NPPF in para 195 requires that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as is the case from this proposal), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The public benefits that would result from the provision of additional housing units in the area and jobs throughout the construction phase are not sufficient to address the harm to the Conservation Area that results.

For the reasons stated above the proposal does not preserve or enhance the character or appearance of the Conservation Area and contrary to policy HER DM3 (a) and the NPPF.

RESIDENTIAL AMENITY

The Arun Design Guide in figure 147 of section S2H stipulates acceptable separation distances between buildings.

The rear building is to be located within 3 metres of the main front elevation of the block of flats to the north at the rear at ground floor level and 4 metres from the main front elevation at first storey level which would cause a significant overbearing impact to main habitable room windows of the block of flats.

The rear building would be just 4 metres from the rear of houses adjacent to the west of the site which would cause an overbearing impact and loss of light to rear facing windows of the houses.

The two buildings would be too close to each other with a distance of 4 metres from the single storey extension on the rear property to the single storey extension on the front property causing an overbearing impact to the windows in the single storey extension in the building to the rear.

The main facing elevation of the two buildings would be 10 metres from each other which would cause an unacceptable overlooking between the two buildings and would overlook the neighbouring property at 27 River Road. In the Arun Design Guide a distance of 21 metres is recommended back to back.

The development would not comply with policy D DM1 (3) and the Arun Design Guide with respect to residential amenity.

AMENITY SPACE

The proposed 2 ground floor flats have amenity space of 6 metres and 4 metres in length. 3 of the flats do not have any amenity space allocated to them at all. The Arun Design Guide advises that gardens in flats should be 40 sq.m.plus 10 sq.m.per unit in area so clearly there is a significant shortfall in amenity space for the ground floor flats and there is no provision for communal shared space. The proposal therefore does not comply with policy D DM1 of the Arun Local Plan and the Arun Design Guide in this respect. However, this is not seen as a reason for refusal given the close proximity to the Riverside walk and seafront.

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.

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.

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.

Evidence was submitted with former application LU/126/19/PL and reaffirmed with an updated statement on employment replacement when it was concluded that 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 the above policy.

PARKING AND HIGHWAYS

The parking demand from the Arun Parking Standards SPD for the development is 5 spaces. Only 4 have been provided in conflict with the Arun Parking Standard's SPD and policy T SP1 of the Arun Local Plan.

This is a town centre location with public car parks in close proximity. A shortfall of 1 space therefore is not sufficient to warrant refusal on parking grounds.

County Highways have commented on this application to say that additional information/details regarding the parking provision for the proposed use is required. However, this is not a reason for refusal as these can be agreed as part of an application or condition on granting approval.

Each parking bay should have 6m manoeuvring space. If 6m cannot be achieved because of the opposing parking bays, the applicant should widen the parking bays accordingly to allow space for manoeuvring. Swept path tracking will be required to demonstrate that the proposed parking spaces are accessible.

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.

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 5 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 D DM1 and D SP1 of the Arun Local Plan.

- 2 Given the layout, form, footprint, scale, height and relationship with adjacent buildings the proposal would not result in sufficient public benefit to offset the less than substantial harm to the Littlehampton River Road Conservation Area in conflict with policies HER DM3 and HER SP1 of the Arun Local Plan and the NPPF.
- 3 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.