

Recommendation Report for Planning Permission

REF NO: LU/164/21/PL

LOCATION: Felix Dancewear
39 Beach Road
Littlehampton
BN17 5JA

PROPOSAL: Part change of Use from office/storage on first floor to 1-1 bed flat (resubmission following LU/100/21/PL). This site may affect the setting of a listed building & is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for change of use from office/storage on first floor to a 1-bedroom flat involving small external changes on fenestration.
SITE CHARACTERISTICS	The site consists a 4 storey terrace property, which is a Locally Listed Building of Character. It has brick and pebbledash elevations and a tiled roof. It has a retail unit ('Felix Dancewear') at ground floor level, with associated storage and office at first floor level, and a residential maisonette on the upper levels above. At the rear of the site is an existing part two storey and part single storey rear extension, and a separate large two storey outbuilding used for storage. There is a public car park to the rear of the site.
CHARACTER OF LOCALITY	The site is located in the Built-Up Area Boundary, within Littlehampton town centre. The area has a town centre/urban character, with a mix of commercial units at ground floor level and residential flats and maisonettes at upper floor levels.

RELEVANT SITE HISTORY

LU/349/09/	Reorganisation of the ground floor retail unit; a two storey extension in the centre; and change of use to 1 no. flats and 2no bedsits at first floor and an office for the shop (amendments to planning permission LU/334/05).	ApproveConditionally 18-03-10
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Noted.

REPRESENTATIONS

Littlehampton Town Council: No objection.
- Further to submission dated 22nd June 2021, the Town Council has been advised that the changes to

the internal layout show that proposal will meet internal space standard and therefore they withdraw their previous objection.

1 letter received from the owners of the proposal property, ensuring that an appearance of first floor front windows will remain unchanged, addressing so Conservation Officer's comments regarding the first floor front windows.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

CONSERVATION OFFICER: The proposed change of use would not cause harm to the building, based on the mix of uses in both the building and local area; the attractive first floor windows should remain since they add to the character of the building as the only remaining original windows to the front elevation. The proposed development would not cause harm to the assets, subject to the use of appropriate materials.

ENVIRONMENTAL AGENCY: No response, however they were consulted on the previous/withdrawn application (LU/100/21/PL) for the same development with the same FRA provided therefore they comments are still relevant:
No objection to the proposed development as submitted, subject to the inclusion of the suggested condition. Without this condition, the proposed development on this site poses an unacceptable risk and EA would object to the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Built-Up Area Boundary
- Designated shopping frontage
- Locally Listed Building of Character
- Archaeological Notification Area
- Flood Zone 2 & 3

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character
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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies 1, 2 and 17 of the Littlehampton Neighbourhood Development Plan are a relevant consideration in the determination 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 comply with relevant Development Plan policies in that it would have an acceptable impact on visual and residential amenity, heritage, highways and flood risk.

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 site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as character, residential amenity, noise, highway safety & parking and space

standards.

Policy1 of the Littlehampton Neighbourhood Development Plan advocates the presumption in favour of sustainable development.

Para 118 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops)".

The site is in a sustainable location (town centre) in walking distance of a range of shops, facilities and services including bus stops, a large food store and a railway station therefore complies with policies SD SP2 and SD SP1 of the Arun Local Plan.

HERITAGE:

Policy HER DM2 of the Arun Local Plan requires that all Locally Listed Buildings or Structure of Character must be largely intact and not adversely affected by later extensions or alternations and preferably, although not exclusively, they should make a positive contribution to their surroundings or the street scene.

Policy 17 of the Littlehampton Neighbourhood Development Plan stresses that the effect of a planning application proposal on the significance of non-designated heritage assets will be taken into account in determination in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal property is a Locally Listed Building and as such it is a non-designated heritage asset with a number of other locally listed buildings or structure of character in the immediate area. Close to application site is The Church of St Mary, a Grade II Listed Building.

The proposal is for the conversion of a first floor to a residential use what is considered acceptable since it would allow the building to remain in use whilst reflecting the mixed use character of the locality. The proposed conversion does not involve any external changes to the front elevation with attractive windows to the first floor which according to the comments of ADC Conservation Officer should remain having a positive impact on the appearance of the proposal building and the locality. The proposed change of fenestration to the rear (the only external change) would not be visible in the context of the heritage assets and as a result will have a neutral impact. The Conservation Officer shares the opinion that the proposed development would not cause harm to the assets or their setting, subject to the use of appropriate materials.

The development would satisfy the requirements of NPPF, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER DM2 of the Arun Local Plan and Policy 1 of the Bognor Regis Neighbourhood Development Plan.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects of design quality. Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part R.O1 which deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings will make a valuable contribution to meeting housing.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) 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)."

There are no changes proposed to the external appearance of front elevation. The proposal will transform existing upper floor into a 1bed flat. The rear elevation of the proposal property faces onto exist of car park, Tyrell Autos and church yard of The Church of St Mary. There are no changes proposed to the rear elevation; the existing door on the north western elevation would be bricked up.

Since the proposed change of use from office and storage resulting in 1 bed flat above the existing shop within mixed use area and would involve the internal changes only (except of north western elevation which will be invisible from the public area the proposal would not detract from the local and wider area's character.

The proposal complies with Arun Local Plan policies D DM1, D SP1, Arun Design Guide and with the guidance on character within the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have 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."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered a residential use would be a noise generating form of development especially within an area of a mixed use development. The residential use would have similar characteristics to other

residential properties in the locality.

Habitable windows of the south-western elevation are facing to the street within approximately 15m from the buildings on the south-western side of the road with habitable windows at the first floor level and a habitable window on the north-eastern elevation are facing to the car park. Given the position of the property and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

As such it is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

CAR PARKING & HIGHWAY SAFETY:

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

Parking Standards Supplementary Planning Document, January 2020 states in Principle 4:

2.17 In some locations, limiting parking provision will form part of a strategy to exploit the potential for sustainable transport. In order to realistically promote lower levels of car ownership and use whilst avoiding unacceptable consequences, all of the following must be available or provided:

- Travel plan measures, targeted at reducing car use and thereby reduce ownership levels;
- High levels of accessibility to non-car modes of travel and to local amenities and facilities; and
- Comprehensive parking controls; i.e. Controlled Parking Zone.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

According to the requirement of Parking Standards 1 parking space for 1 bed flat within Parking Behaviour Zone 4 is required. Nil parking spaces and no parking capacity survey are provided. The option is a local parking in Arun DC car parks and off-road parking with tickets if required during the day.

The proposal is for one 1 bed flat in a sustainable location of Littlehampton with shops in walking distance. Littlehampton railway station is approximately 5 min walk and bus stops on Fitzalan Road and Church Street.

The submitted plans do not show the provision of bin and recycling storage for the proposed flat therefore there is a presumption that such a facility have been already provided due to an existing residential at the second and third floor level of the proposal property.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan and with the guidance on highways within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if

the building is suitable for residential use.

The 1bed/2persons flat would have an internal space area of 50.2sqm whilst the requirement according to the space standards is 50sqm. The proposed flat would satisfy minimal space standard required by the Nationally Described Space Standards.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:
- All development should provide residents with access to outdoor amenity space, whether private or communal.

The proposal does not benefit from rear garden or yard. Given the close vicinity of Caffyns Field and the beach within walking distance of the site, the prospective residents would be able to easily access outdoor places for recreation.

Whilst the proposal complies with the relevant internal standards it fails to comply with external standards providing no amenity space. However it is considered to be acceptable given the vicinity of public open space and the coast and the town centre location.

FLOOD RISK:

The site is located within Flood Zones 2 & 3 (medium-high risk). Since the proposal is for 'minor development' as defined by the NPPF a Sequential Test (nor subsequent Exception Test) is not required. In accordance with the NPPF and Local Plan policy W DM2, for all sites within Flood Zones 2 and 3, a Flood Risk Assessment (FRA) is required. The FRA should be proportionate to the degree of flood risk and appropriate to the location, scale and nature of development.

An FRA has been submitted during the course of the determination period of the application and consulted by the Environmental Agency. This sets out matters and mitigation measures in accordance with the development shall be carried out.

Subject to a planning condition to secure the measures set out in the FRA, the proposals would manage flood risk and not increase flood risk elsewhere, in accordance with the NPPF, and Local Plan policy W DM2.

SUMMARY

The conversion resulting in creation of one 1 bed flat represent an efficient use of urban land without compromising the visual amenities or character of the area, highway safety, flood risk or the amenities of nearby residential occupiers. The proposal is sustainable development and is in a general compliance with development plan policies. The recommendation to approve is made subject to conditions and informative.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human

Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg No BEACH/002, Block Plan;

Dwg No BEACH/001 Rev C, Existing and Proposed Plans and Elevations, Location Plan.

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

- 3 The materials and finishes of the external walls of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 4 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE

DM1 of the Arun Local Plan

- 5 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the construction phase of the development will conform with 'Arun District Council Construction Code of Practice: For small developments in Arun', shall be submitted to the Local Planning Authority for approval. The works specified in the approved scheme shall then be carried out in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 6 The development shall be carried out in accordance with the submitted plans (ref: Flood Risk Assessment for Planning Site location:- 37/39 Beach Road, Littlehampton, BN17 5JA. May 2021) and the following mitigation measures it details:

- There should be no habitable rooms on the ground floor.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk and impact of flooding on the proposed development and future occupants, in accordance with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and policy W DM2 of the Arun Local Plan.

- 7 No part of the development hereby approved shall be first occupied until the plans and details of covered and secure cycle parking spaces have been submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 8 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.