

Recommendation Report for Planning Permission

REF NO: LU/174/19/PL

LOCATION: 2A Norfolk Road
Littlehampton
BN17 5PL

PROPOSAL: Demolition of existing building & erection of 1 No. 3 bed town house (resubmission following LU/164/16/PL). This application affects the character & appearance of the Littlehampton Seafront Conservation Area & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	approximately 44.7 m2.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The existing building abuts the boundaries of the site.
SITE CHARACTERISTICS	The site is currently occupied by a detached single storey building previously used as an A5 (takeaway). The building features rendered elevations painted red with uPVC windows and door and a slate roof. The existing building features a fascia sign and projecting sign forward of the primary elevation.
CHARACTER OF LOCALITY	The character of the locality is a mixture of residential and commercial premises. The locality features a number of grade II Listed Buildings and is identified as a Conservation Area.

RELEVANT SITE HISTORY

PAA/130/18/	Creation of 1No. dwelling.	Refuse Pre App 03-01-19
LU/164/16/PL	Demolition of building & change of use from takeaway (A5 Fast Food Takeaway) to 1 No. live/work dwelling (C3 Dwellinghouses). This application affects the character & appearance of the Littlehampton Sea Front Conservation Area & affects the setting of Listed Buildings.	ApproveConditionally 24-08-16

Planning permission was previously granted under reference LU/164/16/PL for the demolition of the existing building and the construction of a three storey live/work unit. This scheme was approved on the 24th August 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Town Council: No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Highways: No Objection

The Local Highway Authority (LHA) does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Apply the following condition.

Engineers Comments Regarding Surface Water Drainage: No Objection

Due to the scale and location of the development we have no conditions to request. Surface water drainage must be designed and constructed in accordance with building regulations.

Environmental Health: No objection.

Conditions suggested to add to the application.

Conservation Area Advisory Committee: No objection.

Welcome a well executed contemporary design on the site. The quality of detailing is critical to the success of the proposal. Conditions should be attached to any planning approval requiring precise details of the fenestration and finishes. This should involve large scale drawings to at least 1/10 scale. Samples of materials to be submitted to the planning officer.

Conservation Officer : No Objection

The proposal is for a replacement dwelling within the Littlehampton - seafront Conservation Area. The proposal is a revision of a previously approved scheme for a modern structure. The Conservation Area

contains the older terraced properties along South Terrace and either side of Norfolk Road.

North of these, smaller properties in short rows along Western Road and along Norfolk Road contrast with the larger properties along the front. The oldest buildings consist of a number of three storey Georgian and Regency properties built in pairs and short rows as part of a longer terrace. These are domestic in scale and as each pair or group was built individually, there is a variety of detail but without the loss of harmony. A large number of the buildings in the local area are also rendered and front directly on to the pavement.

There are also a number of listed Buildings including 18-25 South Terrace. These are Early C19, 4 storeyed terraced town houses, with a basement. They have painted rendered elevations and are important reminders of the development of this part of the town. Numbers 18-20 is an attractive, and imposing early C19 stuccoed, 4 storeyed building with a basement area. The building corners on to Norfolk Road and the side elevation faces directly on to the site. The side elevation has a 3 storey, 4 window stucco extension, and beyond it a 2 storey top-lit lodge with a bay on the 1st floor.

The existing structure on the site is of poor design and does not compliment the character of the conservation area. Its loss is therefore acceptable.

The replacement dwelling will be a modern three storey house which will be attached to an existing terrace. This dwelling will have a mixture of render and glazing (opaque and translucent). The use of render will ensure that it reflects those buildings in the local area, whilst the glazing will introduce a more modern design element, which will at the same time, help to reduce the mass of the building.

On balance, the proposal will not have a detrimental impact upon the established character of the locality, or the neighbouring listed buildings. Further, the proposal will result in the enhancement of what is considered to be a site that does not make a positive impact to the character of the locality.

If minded to approve the application, details of the windows/glazing, the decorative render, and other design features should be provided to the council by way of condition. Drawings should be provided at an appropriate scale in order to ensure that it reflects the high quality required of such a development.

As the development is not considered to cause harm to the significance of the heritage assets or their setting, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments you will also need to take into account the contents of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments are noted and will be considered in further detail in the conclusion of this report.

Environmental Health in their consultation response have identified that a Construction Management Plan should be secured via condition. However, given the scale of the development proposed this is considered excessive and unnecessary and as such has not been incorporated as part of the recommendation. The requested sound insulation between flats would be controlled by Building Regulations.

POLICY CONTEXT

Within the Built Up Area Boundary

Within the Conservation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
HERDM1	HER DM1 Listed Buildings

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Policies 1 and 2 of Littlehampton Neighbourhood Plan are relevant to 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 no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings and Conservation Areas) 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 affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. The key policy considerations are deemed to be D DM1 and HER DM3 of the Arun Local Plan (2011-2031) and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The application seeks permission for the construction of a three storey dwelling featuring three bedrooms. The proposed development measures approximately 8.46m in height, which is approximately 0.54m lower than the scheme previously approved under reference LU/164/16/PL. The proposal also incorporates a 'U' shaped element to the south of the dwelling which would house the spiral staircase to serve the dwelling.

Therefore, as was identified in the determination of the previous application (under reference LU/164/16/PL) the proposed development would be in scale with nearby development especially when it is considered that 19 and 21 South Terrace (situated to the south of the application site) are 4 storeys in height.

The locality is characterised by terraced development primary of 2-4 storeys in height and as such the scale of the proposed development and increase in the height of development, upon the site, is not considered to result in any detrimental harm to the character of the street scene or the pattern of development in this locality.

The development proposed by this application, similarly to that previously approved, is contemporary in design. However, materials are proposed which would reflect those which characterise development within the Conservation Area. This includes the use of light/white render as the primary facade material to ensure that the development reflects the established character of the locality. Therefore, it is considered that the proposed development would not have an unacceptably adverse impact upon the established character of the locality.

The proposal extends to the north and includes first and secondary storey development above the existing pedestrian access serving the existing residential/commercial development to the north of the application site. Therefore, unlike the previously approved scheme the proposed development would form an extension of the existing terrace. However, this element of the proposal has been set back from the street scene, albeit by only 0.3m but this is considered sufficient to maintain the visual separation of the development from the terrace when viewed from oblique angles to the north or south of the development site.

The proposal incorporates a small courtyard area to the south-west of the proposed dwelling which is only limited in scale and would not provide significant outdoor amenity space to serve the dwelling alone. However, the location of the proposed dwelling must be considered and with the beach, tennis courts and greensward situated in such close proximity that future occupiers would have access to adequate facilities to meet their recreational needs.

On the basis of the above it is considered that the proposed development would accord with policy D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development features two first floor windows on the rear elevation. There is a small high level window which would serve the bathroom with drawing no. '381_20_232' identifying that this window is intended to be 'translucent'. A larger window is proposed on the western elevation which would serve a bedroom. The proposed window features 'translucent' glazing up to 1.8m in height. However the Local Planning Authority is not satisfied that translucent glazing is the same as obscure glazing and therefore to ensure that no unacceptably adverse overlooking to the west of the proposed dwelling would result these windows are conditioned to be obscure glazed. The proposed staircase could also result in materially harmful overlooking to the garden of the property to the south and this is also conditioned to be obscure glazed.

The proposal features a second floor window on the southern elevation which is situated towards the primary elevation. This window is not shown as being obscurely glazed but by virtue of its location and the fenestration of the neighbouring property it is considered that it would not give rise to any adverse overlooking.

The glazing proposed at ground floor level and on the primary elevation of the property are considered to be acceptable and will not result in any detrimental overlooking of neighbouring properties beyond what could be reasonably expected in residential development.

The proposed property is situated to the north of South Terrace and as such will not result in any unacceptably adverse overshadowing of residential properties or private amenity space. The proposed dwelling will be situated approximately 3m from 21 South Terrace, which at its closest point does not feature any windows or openings on the northern elevation which would suffer from any adverse overbearing impacts from the proposed development. Similarly, the proposed development is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts on the existing development to the north.

Therefore, in light of the above the proposed development will accord with policy D DM1 of the Arun Local Plan in so far as it relates to residential amenity.

It is identified in the submitted documentation that the proposed dwelling will have a gross internal floor area of approximately 110m² which would exceed the minimum requirements of the Nationally Described Space Standards which identifies that for a 3 bedroom, 6 person 3 storey dwelling a minimum internal floor area of 108m² is required.

CONSERVATION AREA

The existing single storey structure present on the site is not considered to make any positive contributions to the character and appearance of the Conservation Area. As such, the proposed development is considered to constitute an enhancement to the Conservation Area and as such is deemed to accord with policy HER DM3 of the Arun Local Plan and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act .

LISTED BUILDINGS

Paragraph 189 of the National Planning Policy Framework (NPPF) advises that in the determination of applications, the local planning authority should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The applicant has failed to submit a heritage statement in support of the proposals. However, despite the absence of a heritage statement it is considered that the LPA are capable of undertaking the relevant assessment of the

proposals compliance with national guidance.

In accordance with paragraph 190 of the NPPF it is necessary for the LPA to consider the significance of any designated heritage asset that may be affected by the proposals. In this case the application site is situated in close proximity to a number of Grade II Listed Buildings.

The character of the immediate locality is predominantly urban with a tight grain of development and as such the setting of the Listed Buildings are informed by this existing residential development. Western Road and Norfolk Road are characterised by Georgian and Regency properties built in pairs and short rows. South Terrace consists of four storeyed terraced town houses, with basements. These properties feature painted and rendered elevations and are important reminders of the development of this part of the town.

The proposed development by virtue of its design and siting would constitute an enhancement over the existing single storey structure and would better reflect the established character of the locality. Therefore, it is considered that the development proposed would not result in any harm to the nearby Listed Buildings, their setting or significance. Nor is the proposal considered to result in any harm to the significance of any non-designated heritage assets. Consideration against paragraph 194 of the NPPF is not therefore required.

As such, the proposals are deemed to accord with NPPF and policies HER DM1 or HER DM2 of the Arun Local Plan of the Arun Local Plan.

PARKING PROVISION

The proposal provides no parking provision on site due to the constraints of the size of the plot. However, on site parking provision is not a character of this locality with the majority of development relying on on-street provision. Its central location makes the proposal sustainable in terms of proximity to other forms of transport.

West Sussex County Council have been consulted and have raised no objection in regards to the 'nil parking provision'. It was identified in their consultation response that the site is sustainably located with on-street parking restricted, prohibiting vehicles from parking in places that would be detrimental to highway safety.

Therefore, the proposals are deemed to accord with policy T SP1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location Plan - drawing no. 381_00_001
 Site Plan - drawing no. 381_00_002
 Street Elevation (East) - drawing no. 381_20_230
 Side Elevation (South) - drawing no. 381_20_233 revision E
 Side Elevation (North) - drawing no. 381_20_231
 Rear Elevation (West) - drawing no. 381_20_232 revision E
 Roof Plan - drawing no. 381_20_201
 Section AA - drawing no, 381_20_230
 Ground Floor Plan - drawing no, 381_20_200
 First Floor Plan - drawing no. 381_20_201
 Second Floor Plan - drawing no. 381_20_201

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and setting of nearby Listed Buildings by endeavouring to achieve a building of visual quality in accordance with policy D DM1 and HER DM1 of the Arun Local Plan.

- 4 No construction 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 noisy working activities on Sunday or Bank Holidays.

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

- 5 Prior to the installation of the windows and doors full details of their construction, operation, material and fenestration will be submitted to and approved by the Local Planning Authority and the windows so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and setting of the Listed Building in accordance with policies D DM1, HER DM1 and HER DM2 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking space have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 7 The first floor windows on the west elevation and second floor window on the south elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening above 1.7m internal floor height.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DDM1 of the Arun Local Plan.

- 8 The glazing to the staircase on the south and west elevations of the building shall at all times be glazed with obscured glass and remain permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun Local Plan.

- 9 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.

- 10 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in the event that substantiated complaints within the remit of the Environmental Protection Act 1990 are received. For further information, please contact the Environmental Health Department on (01903) 737555.