

Recommendation Report for Planning Permission

REF NO: LU/182/18/PL

LOCATION: 46A & 46B Pier Road
Littlehampton
BN17 5LW

PROPOSAL: Demolition of the existing buildings & erection of 2 No. new buildings incorporating commercial (A1) at ground floor with 4 No. residential units above.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the demolition of the existing buildings and the erection of 2 new buildings incorporating one building forward of the plot comprising x2 A1 units at ground floor level and 3 residential units above on two further floors. The second block x 1 bed flat above a parking area for three cars plus bin and cycle storage. No amenity space is provided and a access road and hard landscaping would serve the servable areas.
SITE AREA	0.6 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	133 dwellings per hectare
TOPOGRAPHY	Predominantly flat, but land rises to west.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open boundary to the street and an arrangement of building to the rear of the plot making for a hard boundary treatment.
SITE CHARACTERISTICS	The site is currently occupied by a retail use and small commercial property to the rear. The buildings are of poor quality, some being brick built whilst others are utilitarian structures. The present designs are considered of poor quality, leading to a poor environment and incongruous with the mixed use and redevelopment of this part of Littlehampton
CHARACTER OF LOCALITY	Predominantly residential, but mix/retail/commercial uses at ground floor in Pier Road.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No Objection. Would like to see existing parking retained.

Littlehampton society. Objection:

- If granted, would limit the creative enhancement of the whole of the Pier Road/Clifton Road area

- the design is architecturally uniform similar to other schemes which is of a disadvantage (this refers to the original design)
- The development is considered to contribute little to the heritage, tourism and the future economic growth and vitality of Pier Road and its maritime and river front culture.
- The scheme doesn't meet the parking requirement of the site
- Flood Zone 3 and as a consequence must demonstrate necessary compliance

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The concerns above will be discussed in the assessment and conclusions section of the report.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

Environment Agency - No objection.

Conservation & Listed Buildings - No objection - the design is considered an improvement to that originally submitted. The materials to be used should be of the highest quality to ensure a neutral impact on the neighbouring property.

Drainage - No objection

Southern Water - No Objection. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Flood Zone
Littlehampton Economic Development Zone
Site attached to Building of Special Character - Local Listed

DEVELOPMENT PLAN POLICES

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

ECCDM1	ECC DM1 Renewable Energy
HERSP1	HER SP1 The Historic Environment
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
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

POLICY COMMENTARY

The Neighbourhood Development Plan

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policies 1 and 2 of Littlehampton Neighbourhood Development Plan are considered relevant.

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.

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 site lies in the built up area and sustainable settlement of Littlehampton, where the principle of redevelopment is considered acceptable. Given its location and current state of repair, the principle of modernisation and replacement of the existing building would also be acceptable.

The existing building is attached to a building of local historic interest facing onto Pier Road. Whilst the proposal may have limited impact on amenity of neighbouring occupying uses, overall it is considered to improve the design and quality of the built environment and retains an active small scale retail frontage along Pier Road.

The site is located in the Littlehampton Economic Growth Area, where Policy EMP SP2 looks to support development that provides for additional or enhanced commercial or small scale retail. The provision of an additional retail facility is considered to meet policy therefore supports the underlining thread of the Littlehampton Economic Growth Area provision.

VISUAL AMENITY AND CHARACTER OF THE AREA

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy D DM1 requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, para 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. The area is characterised by a traditional form of older style pitched roof properties with mainly brick and rendered elevations of 2 and 3 storey height. The terrace of properties to the north of the site are characterised by bay windows and the property immediately to the north and abutting the site is finished with a barn hip roof. Many of the nearby neighbouring buildings have been identified as Buildings of Special Character.

The existing buildings on the site are of no architectural merit and their replacement is welcomed and considered to make a positive contribution to the visual amenities of the area.

The Councils' Conservation and Listed building specialist has reviewed the revised plans for the scheme, and concludes that they are an improvement when compared to those previously submitted as it now attempts to reflect the character of neighbouring properties. Although the scale of the proposed building is significant to its current built structure (of a single storey unit) the material finishes need to be of high quality, in order for the scheme to have a neutral impact upon the neighbouring (and adjoining) property "Drill Hall which is designated as a Building of Character.

Therefore the form of the development is considered to be acceptable, subject to condition.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Planning Policy indicates that good design should contribute positively to making places better for people. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

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". Policy QE DM1 provides guidance in respect of new noise generating development and states that applications should be accompanied by a noise assessment. However it is not considered relevant to require a noise assessment for new residential development located in a residential area.

The proposed layout would provide a 500mm gap to the private garden to the rear of the plot (to the east), and a 1m gap with the shared boundary with no.46a & 47 Pier Road. The rear block would also sit against the site to the North namely "46 Pier road". Neither of the proposed buildings would have windows serving the residential uses on either edge of the site impacting on third parties. It is considered that the proposal has been designed to limit overlooking and therefore the impact on neighbouring amenity is limited. The buildings by virtue of their scale are of a step design, the lower to the rear of the plot and the higher at the front. The resultant rhythm of the roof levels allows for a step design and introduces a ridge height at a subservient level to the terrace of properties to the west. The revised plans introduce hips to the design to avoid a block/solid appearance. Therefore there is no considered overbearing impact from the differences in height of buildings.

The proposal is considered not to result in any material harm. The outlook from the proposal is notably onto the River Arun.

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 therefore 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 following is a breakdown of the proposals versus the space standards:

Unit no. - Storeys/Beds/Persons - Requirement - Proposed - Compliance (Y/N)

- 1 - 1b1p - 37m2 - 42m2 - Y
- 2 - 1b1p - 37m2 - 37m2 - Y
- 3 - 1b1p - 37m2 - 37m2 - Y
- 4 - 2b2p - 50m2 - 50m2 - Y

Therefore, all of the flats comply with the standards in respect of internal space.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users.

The scheme would provide units on the first and second floor of both buildings only, and court yard access. It is acceptable not to provide outdoor amenity space for residents as the development is easily accessible to open seaside and open space. It is also noted that the accommodation is largely for non family residents.

EMPLOYMENT OPPORTUNITIES

Policy EMP SP2 of the Local Plan encourages the Council to work with partners to enhance local employment opportunities within the following Economic Growth Areas. Supporting development that provides for additional or enhanced small scale retail opportunities. The proposal seeks to increase the

current retail offering to two units at ground floor which is compatible with first floor and neighbouring residential uses. The proposal provides a net gain of employment opportunities in the area. Therefore the provision of an additional retail facility is considered to meet this Policy and supports the underlining thread of the Littlehampton Economic Growth Area to its benefit.

HIGHWAYS

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. In respect of highway safety, it states that:

"The Council will support transport and development which: (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking".

Paragraph 108 of the NPPF states that: "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 also be had to paragraph 109 which states that: "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."

Following the receipt of revised plans and Highways comments (15th March 2019), highways have raised no objection to the level of parking provision and access as submitted. Highways accept that the site has been used by a number of vehicles in the past, and although the access is considered substandard, having undertaken a check on the accident records at the proposed point of access onto Pier Road, suggests there have been no recorded accidents in the last 10 years. This confirms there have been no accidents in relation to the proposed use of access at this point.

Therefore based on the information provided by the applicant we would accept that there is unlikely to be any material change to the traffic patterns as a result of the application. The site is sustainably located within close proximity to a railway station and alternatives mode of transport. It is not considered that the proposal would not have 'severe' impact on the operation of the highway network, and by virtue of its location would have a lower parking demand which is acceptable.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with the guidance on highway safety within the NPPF.

FLOODING

The site is located in a zone 3 flood zone as indicated by the county wide proposal maps. Due to the proposed mixed use scheme, the proposed development is considered to be a "Less Vulnerable" and "More Vulnerable" for the development of the commercial (ground floor) and residential use (first floor) respectively, under the vulnerability classifications of the NPPF.

The EA previously accepted a similar scheme on the wider site at 46a-47 Pier Road Arun District Council Ref LU/287/17/PL), for which it was agreed to set all residential development at 5.23mAOD (300mm

above the 1:200 year (2115) undefended flood level), to be conservative, as the nearby defences could fail or be overtopped.

Following the guidelines contained within the NPPF, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the temporary lifetime of the development.

The Environment Agency recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan and that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. The officers are satisfied of this mitigation measure and subject to an informative we accept this position.

RENEWABLE ENERGY

Policy ECC SP2 & ECC DM1 of the Local Plan requires that all new residential development is expected to provide energy efficient measures. The proposal will be required to meet current standards for energy efficiency through building regulation controls to meet ECC SP2(a). The design and layout of the proposal demonstrates an acceptable layout therefore it could be considered that ECC SP2(b) can be met. The proposal via its planning statement does not demonstrate how it is intended to incorporate decentralises, renewable and low carbon energy supply systems, therefore, a condition is recommended to ensure that the proposal will meet the requirements of ECC SP2(a) and (c). Whilst none are specified a condition is recommended to provide a scheme for the charging of electric vehicles, as stated in Policy T SP1(iv) of the Arun Local Plan.

CONCLUSION

On the basis of the above assessment the application is therefore recommended for approval subject to the following 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
 TA 1098/01
 TA 1098/02
 TA 1098/03
 TA 1098/04
 TA 1098/05
 A 1098/06
 TA 1098/10 rev C
 TA 1098/11 rev B
 TA 1098/12 rev C
 TA 1098/13 rev B
 TA 1098/14 rev C
 TA 1098/15 rev C
 TA 1098/16 rev C
 TA 1098/17 rev C
 TA 1098/18 rev C

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

- 3 The hours of opening for the two Retail units hereby approved shall be:

09.00 to 18.00 hrs Monday-Saturday 10:00 to 18.00 on Sundays & Bank Holidays.

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.

- 4 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun District Local Plan .

- 5 No development shall commence until up to the damp proof level a schedule of materials has been submitted to, and where so required by the Local Planning Authority sample panels of the external finishes (including the proposed texture, style, coursing and mortar ratio) have been constructed on the site, and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the construction specification for the proposal hereby permitted.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies D DM1, D DM4, HER SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policies QE DM3 (c), T SP1 (f) and ECC SP2 of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 8 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan.

- 9 No windows (other than those shown on the plans hereby approved) shall be constructed in the North or east elevation of the main building forward of the plot. In addition no windows (other than those shown on the plans hereby approved) shall be constructed in the south and east elevation of the secondary building (to the rear of the plot) hereby permitted which adjoins the side boundary with 47 Pier Road and Victoria Gardens without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 & D DM4 of the Arun Local Plan.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2018) and the following mitigation measures detailed within the FRA:

- Finished floor levels of first floor are set no lower than 5.23m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in

accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

In accordance with policies QE SP1 of the Arun District Local Plan.

- 11 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 12 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: It is considered necessary for this to be a pre-commencement condition because the increase in site levels need to be established In order to safeguard the amenities of the area and neighbouring residents in accordance with policy DDM1 of the Arun District Local Plan.

- 13 INFORMATIVE: The Environment Agency recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan and that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 14 INFORMATIVE:
Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 15 INFORMATIVE:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 16 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.