

Recommendation Report for Planning Permission

REF NO: LU/220/18/PL

LOCATION: 70 High Street
Littlehampton
BN17 5DY

PROPOSAL: Alterations & change of use to existing bank (A2 Financial & Professional Services) to mixed use to retail (A1 Shops), office (B1 Business), 3 No. residential dwellings (C3 Dwelling house) & dormer at second floor level (submission following LU/50/17/PL & LU/6/18/PD). This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal includes alterations to the rear second floor dormer and the creation of a roof terrace at first floor. The second floor would accommodate a 2 bedroom flat, 1 x 2 bedroom flat at first floor and a 2 bedroom maisonette at ground and first floor and a shop and office at ground floor. The application has been amended since originally submitted by changing the two side windows of the ground floor shop so that the cill height is at the same level as the original cills.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building abuts the High Street to the north and the pavement to the east.
SITE CHARACTERISTICS	The site is occupied by an end of terrace three storey building with a currently vacant commercial unit at ground floor level. Existing rear dormer. The upper floors have previously been used as offices associated with the former ground floor banking use but have recently been the subject of a lawful development certificate for change of use to 2 no, residential properties. The ground floor features stone with the first and second floor being constructed from brick with a slate roof. Safety railings along top of flat roofed extensions.
CHARACTER OF LOCALITY	The character of the locality is predominantly commercial with the property being located in a town centre location.

RELEVANT SITE HISTORY

LU/50/17/PL	Dormer window within existing rear roof slope. This application affects the setting of a Listed Building.	ApproveConditionally 10-05-17
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environment Agency

Conservation Officer

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection. This is a designated Building of Special Character and plays a prominent role on the high street. Alterations to the external elevation have the potential to greatly affect its appearance. The proposed change of use allows a mixture of uses within the site which are acceptable.

The north and east elevations are the most significant from the perspective of the buildings significance. The concept of lowering the windows is understood and accepted as a means of enabling the continued use of this element of the ground floor as a retail unit. However, the means of lowering the windows may be problematic, and should be designed so that they read exactly as the other ones already on the ground floor. Details of the windows and their surrounds will need to be provided to the council by way of condition, so that there is the opportunity to ensure that the works match the existing.

The rear dormer is large in scale, but is not necessarily significantly visible from the public realm. However, it is considered to be bulky in nature, and it is thought that a modestly scaled dormer of traditional proportions would be better placed in this location.

Joinery details matching those already present, and details of the ground floor shop windows and their surrounds should be conditioned.

Environment Agency - No Objection. It is noted that the flood risk information contained in the Design Statement is not sufficient for a Flood Risk Assessment (FRA), and that a suitable FRA should have been provided in accordance with paragraph 163 of the National Planning Policy Framework (NPPF). However, considering this is a change of use, and the majority of the residential dwellings are proposed on the first floor and above so that no sleeping accommodation will be located on the ground floor with safe refuge available at first floor (in accordance with drawing no. 080418/TP01C), we see no reason to

object to the proposal.

Economic Development Officer - Support. We are pleased to see that the ground floor is proposed to be retained as a retail space.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Building of Special Character
Primary Retail Frontage

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

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

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.

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).

The Littlehampton Neighbourhood Plan has been made and the relevant policies have been taken into account.

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 application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are policies DDM1, DDM4 and HER DM2 of the Arun Local Plan and the National Planning Policy Framework and policies 1 and 2 of Littlehampton Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

The proposed dormer window will be located on the southern elevation of the property at third floor level. A dormer window was previously approved on the rear elevation under LU/50/17/PL, but this proposed dormer window is larger and extends across the whole ridge slope. It will be clearly visible within the street scene when viewed from Clifton Road to the south as well as from within Sparks Court. The proposed dormer window will have a limited presence within the street scene when viewed from the east and north by virtue of its design and location.

68 High Street to the west of the application site features a full width dormer window which is clearly visible from within Sparks Court although it does not have a significant presence within the street scene of Clifton Road. Despite this it is considered that the proposed dormer window will not adversely impact upon the established character of the locality.

The new dormer face will be slate hung to match existing roof coverings. By virtue of its design and location it is considered that the proposed dormer window will appear subservient to the host building and well integrated subject to the use of materials which match those of the existing structure. Therefore, the proposed dormer is deemed in accordance with policy DDM 1 and DDM 4 of the Arun Local Plan.

The new windows will match the pattern of the existing windows. The property is identified as a building of special character and as such it is necessary for alterations and extensions to not adversely impact upon the appearance of the structure. It is considered that the proposed dormer window will not have an unacceptably adverse impact upon the character or appearance of 70 High Street by virtue of its design, location and the materials proposed.

Although the dormer window in the rear is large and of no visual merit it is not readily visible in the street

scene and does not affect the principle elevations of the building. It does not adversely affect any particular feature that contributes to its interest. Provided the alterations to the front elevation are controlled by condition the character of the building would be preserved. It is considered that the proposal will accord with policies DDM1 and H ER DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed dormer window by virtue of its design, orientation and location will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon the residential amenity of neighbouring properties. The dormer window would face onto the rear parking area and would have similar dimensions to the adjacent dormer to the neighbouring property no 68 to the west. Therefore, it is considered that the proposed dormer window will accord with policies DDM1 and DDM4 of the Arun Local Plan. The proposal also includes the provision of a roof terrace at first floor level within part of the roof area currently enclosed by safety railings. There are no windows in the side elevation of the adjacent building and therefore no direct overlooking would result to the adjacent premises. The area immediately abutting the terrace at ground floor is used for car parking.

The internal floor spaces meet the Nationally Prescribed Space Standards. Flat 2 would meet the requirements for 2 bed 3 person flat, the maisonette for a 2 bed, 3 person unit and flat 1 for a 2 bed 3 person flat.

RETAIL USE

The proposal retains the front part of the ground floor as a retail unit. The site is located in a Primary Shopping Frontage and the retention of the retail use would accord with policy RET DM1 of the Arun Local Plan.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and as such is 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:
Site, Location, Roof and Second Floor Plan and 080418/TP.02A, Ground and First Floor Layout 080418/TP.01C, South and West Elevations 080418/TP.03A, East and North Elevations 080418/TP.04C, Section 080418/BR.01, Section 080418/BR.02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 No external ground floor alterations to the North elevation of the shop front shall be undertaken until a schedule of materials and finishes to be used for the shop front have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the shop front windows.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Building of Special Character by endeavouring to achieve a building of visual quality in accordance with policies DDM1 and policy HER DM2 of the Arun Local Plan.
- 4 The materials and details of the proposed joinery shall match in detail the existing joinery detail already present in the building.

Reason: In the interests of amenity in accordance with policies DDM1 and HER DM2 of the Arun Local Plan.
- 5 **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.