

Recommendation Report for Planning Permission

REF NO:	LU/223/18/PL
LOCATION:	36 - 38 Surrey Street Littlehampton BN17 5BH
PROPOSAL:	Conversion of basement & ground floor from Bookshop to 3no. holiday lets. This application affects the character and appearance of Littlehampton River Road Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for reconfiguration of the internal layout of the ground floor and basement to create 3 self-contained holiday let apartments, whilst maintaining the existing hairdressers. This includes a two-bedroom studio apartment at basement level with two separate one-bedroom apartments at ground floor. Each apartment has its own private entrance, kitchen, bathroom and lounge area. The works have already been undertaken.
SITE AREA	133 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Part defined by railings approximately 1m high.
SITE CHARACTERISTICS	The exterior of the building is painted white brick with one window to the East and 3 windows to the South on the ground level. The main entrance to the property is located on the East front of the building, a corner doorway with curved double doors, the top half of which are glazed, which currently serve as an entrance to the hairdressers. Next to this the shop front features a large bay window with a triangular head. The South front of the building includes 3 large windows with another external door.
CHARACTER OF LOCALITY	Town Centre location. River Road Conservation Area abuts the site to the south. Retail/office uses predominate at ground floor level with residential over in two, mainly 3 storey buildings in Terminus Road, High Street and Surrey Street. Predominantly residential in River Road with buildings mainly of 2 storeys. Nearby Listed Buildings include 20 to 24 Surrey Street 32 Surrey Street (Public House) and Nos. 1,4,5,7,8,10 and 12 River Road.

RELEVANT SITE HISTORY

LU/468/71	Change Of Use First Floor Room For Typing And Duplicating	Approve 21-01-72
LU/325/64	Conversion Of Premises Into Ladies Hairdressing Salon 1 Flat And Coffee Bar	Approve 31-12-64
LU/179/16/PL	Retention of railings & gate at front of property. This application affects the character & appearance of the Littlehampton River Road Conservation Area.	Refused 11-10-16
LU/224/18/L	Listed building consent for conversion of basement and ground floor from Bookshop to 3No. holiday lets	Approve 08-11-18

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The application affects the features of a listed building. The application lacked any information regarding the extent of the work inside and the impact on the integrity of the listed building could not be assessed. Members were disappointed to see that the application was retrospective and that the Conservation Area Committee had had no objection to the proposals. The proposal is within a flood risk area and the basement was inhabited. The application also lacked a flood risk assessment.

COMMENTS ON REPRESENTATIONS RECEIVED:

A Flood Risk Assessment has been submitted. Concerns regarding flooding are agreed. The impact on the listed building was assessed separately under application LU/224/18/L.

CONSULTATIONS

Conservation Officer

Economic Regeneration

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection. The application relates to the conversion of basement space and an area of the ground floor from Bookshop to 3 holiday lets. The application affects a listed building which is visible on the street-scene within the town centre.

The concept of the change of the use of the space is acceptable from a conservation area perspective as it enables compatible uses to be introduced to the conservation area; there is a mixture of residential and retail/commercial uses in the local area.

It is evident from looking at the existing and proposed floor plans that a significant amount of internal works have been undertaken in order to accommodate the new uses. As the works are retrospective, it is not possible to determine the scale of the impact i.e. in terms of the loss of historic fabric. It is considered that the proposed/implemented floor plan is acceptable as the majority of the floor plan is retained.

Conservation Area Advisory Committee - No Objection

Environment Agency - Objection

Object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance for Flood Risk and Coastal Change. The application is also contrary to Policy W DM2 (Flood Risk) of the Arun Local Plan 2011 - 2031 (July 2018).

Reasons

The Planning Practice Guidance (PPG) for Flood Risk and Coastal Change classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. This site lies within Flood Zone 3, which is land defined by the PPG as having a high probability of flooding.

The development of proposing a basement holiday dwelling, is classed as "highly vulnerable" in accordance with Table 2 (Flood Risk Vulnerability Classification) of the PPG for Flood Risk and Coastal Change. Tables 1 and 3 of the PPG make it clear that this type of development is not compatible with this Flood Zone, and therefore should not be permitted.

The submitted Flood Risk Assessment (FRA) has not mentioned how the flood risks will be managed following the development. As a result of the flood risks identified, the safety of occupants will be entirely reliant upon a strategy of prior warning and evacuation, or refuge within the building at a higher level, if this is possible.

Drainage Engineer - Whilst the scheme is complete (and therefore Littlehampton should be dry), the Environment Agency (EA) will continue to respond to planning consultations on the "without defences" condition across the board.

In the case of Littlehampton, especially, this sort of flies in the face of completing the scheme to spur development/regeneration; the response being that the development will have a longer lifetime than the effective life of the defences and they have no ability to guarantee to maintain those defences in the meantime.

They EA may consider relaxing their position when it relates to new sites (because these can be better designed) but basement occupation (which this one is) still has risk; so they won't be withdrawing their objection in this case.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The application is recommended for refusal on the basis of the Environment Agency's flooding objection.

POLICY CONTEXT

Designation applicable to site:
Within Built up Area Boundary
Designated Conservation Area
Grade II Listed Building

Secondary Retail Frontage

DEVELOPMENT PLAN POLICES

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)
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
WDM2	W DM2 Flood Risk

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

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. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policy 1: The Presumption in Favour of Sustainable Development of Littlehampton Neighbourhood Plan is considered 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 conflict with relevant Development Plan policies in that whilst it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, or the established character of the surrounding area it would result in development within a high risk flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located in conflict with policy.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 materially 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 site is located within the built up area boundary where conversion of the premises to residential tourism use is acceptable in principle subject to compliance with relevant planning policies. In this instance the main criteria against which the application will be assessed is that within policies DDM1, DDM4 , TOU DM1, HERDM1, RET DM1 and WDM2 of the Local Plan, and the Nationally Prescribed Space Standards.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The proposal represents conversion of the existing basement and ground floor and does not include any extensions to it. The appearance of the building would not be altered. The residential use would be in keeping with the character of the area.

The accommodation comprises a two-bedroom studio apartment at basement level with two separate one-bedroom apartments at ground floor and it is considered this does not result in a cramped form of development and is in keeping with the general residential character of the area to the west. The conversion would accord with policy DDM1 of the Local Plan and Littlehampton Neighbourhood Plan Policy 1.

RESIDENTIAL AMENITY

Whilst the premises is located adjacent to other residential properties, the levels of activity generated by the units would not be significant given that the site is located within the town centre. Traffic noise from parking and vehicle movements already exists in this area

INTERNAL SPACE STANDARDS

The proposal accords with the Nationally Described Space Standards. This requires a minimum gross internal floor area of 50 m² for a single storey 1 bedroom 2 person dwelling and 39 sqm for a single person. For 2 bedroom units it is 61 sq m for 3 person, 2 bedroom units and 70 sq m for 4 person. The internal floor area of the one bedroom units is approx. 35m squared below this standard and the 2 bedroom unit is approximately 60m², but this would be acceptable given that the use would be on a temporary basis. The proposal therefore provides a satisfactory living environment for the occupiers and would not adversely affect their residential amenity.

There is no external amenity space provided with the units but given their town centre location this is considered acceptable on the basis that the seafront and recreational facilities are located close by.

HIGHWAYS AND PARKING

There is no car parking provided as part of the proposal but the site is sustainably located within the town

centre with easy access to bus and train services.

TOURISM/RETAIL USE

The proposal is considered acceptable in terms of its location close to existing facilities including shops/pubs and restaurants, the seafront, bus services and the transport network. Since there would be a no adverse impact on the character of the area the proposal would comply with policy TOU DM1 of the Local Plan.

The site lies within a secondary retail frontage and would not result in a concentration of non-retail uses to the detriment of the vitality of the town centre. The hairdresser use of part of the premises is retained together with its shop front at ground floor. One of the flats at ground floor has no road frontage and the other has only part of the elevation within the shopping frontage. Although the use was previously as a retail bookshop this use ceased some time ago and the proposal is retrospective. The proposal results in a loss of retail, but this is not considered to adversely affect the character of the area or the vitality of the town centre. The use would encourage more visitors to the town centre, potentially increasing footfall, which would provide a supportive role to the use of the town centre. The use would therefore accord with policy RET DM1 of Arun Local Plan.

FLOODING

The site lies within Flood Zone 3, which is land defined by the PPG as having a high probability of flooding. The basement holiday dwelling, is classed as "highly vulnerable" in accordance with Table 2 (Flood Risk Vulnerability Classification) of the PPG for Flood Risk and Coastal Change. Tables 1 and 3 of the PPG make it clear that this type of development is not compatible with this Flood Zone, and therefore should not be permitted. The proposal is therefore contrary to policy WDM2 of Arun Local Plan which requires that development in flood risk areas is accompanied by a specific Flood Risk Assessment to demonstrate that the development will be safe. The submitted Flood Risk Assessment (FRA) has not mentioned how the flood risks will be managed following the development. The basement accommodation is not considered to accord with this criteria.

The comments of the Environment Agency have been clarified. They have taken the new flood defences in Littlehampton into account and maintain their objection on the basis that this is a conversion of an existing basement premises and not a new build.

CONCLUSIONS

The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) 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

REFUSE

- 1 The site lies within Flood Zone 3 defined by the Planning Practice Guidance as having a high probability of flooding. The basement holiday dwelling, is classed as "highly vulnerable" in accordance with Table 2 (Flood Risk Vulnerability Classification) of the PPG for Flood Risk and Coastal Change. Tables 1 and 3 of the PPG make it clear that this type of development is not compatible with this Flood Zone, and therefore should not be permitted.

The submitted Flood Risk Assessment (FRA) has not mentioned how the flood risks will be managed following the development. As a result the safety of occupants will be entirely reliant upon a strategy of prior warning and evacuation, or refuge within the building at a higher level and it has not been satisfactorily demonstrated that this is possible.

The proposal is therefore contrary to policy WDM2 of Arun Local Plan and the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance for Flood Risk and Coastal Change.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.