

Recommendation Report for Planning Permission

REF NO: LU/240/20/PL

LOCATION: Felix Dancewear
39 Beach Road
Littlehampton
BN17 5JA

PROPOSAL: Demolish existing outbuildings & replace with single storey rear extension. This application is in CIL Zone (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
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, some small single storey additions/outbuildings (containing storage and WCs) 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.

REPRESENTATIONS

Littlehampton Town Council - support the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**CONSERVATION OFFICER:**

No objection. Loss of existing outbuildings/additions will not harm the character of the building, replacement extension will have neutral impact due to siting and appearance, subject to detailed materials.

ARCHAEOLOGY ADVISOR:

No objection. Impact on any archaeological remains would not justify refusal nor requirement for mitigation measures.

DRAINAGE ENGINEER:

No objection. Due to siting, scale and nature of development no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Comments addressed in Conclusions section of report.

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
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character

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 policies contained within the Littlehampton Neighbourhood 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

VISUAL AMENITY & HERITAGE:

The proposed extension would replace existing additions/outbuildings of a similar site coverage, would be single storey as per the existing structures, and would be located at the rear of the terrace, essentially an 'infill' between the main building and the separate two storey storage building. As such, the proposed extension would have limited visual impact in comparison to the existing built development on site, and would not be readily visible due to its siting and scale. The extension would be subordinate in scale to the host building. There are also other large/deep single storey rear extensions to other properties within this group. As such, the proposals would not appear out of character with the rest of the terrace, when viewed from the car park at the rear.

The building is a Locally Listed Building of Character. It forms part of a very prominent and attractive terrace within the town centre dating back to Edwardian times (1911-1912). The Council's Conservation Officer has provided comments on the proposals. The existing structures at the rear to be replaced are located in such a position which means they are not readily visible from the rear in the public car park. The existing structures are of a simple utilitarian appearance, some with corrugated sheeting. The Conservation Officer has confirmed that, as such, their loss will not harm the character of the building. They conclude that the replacement extension will have a neutral impact on the character of the building due to its location and appearance, subject to the use of appropriate materials. The drawings do not specify the proposed materials, however the application form proposes brickwork elevations, flat roof and UVPC windows (evident on the rear of the building already) to match existing materials. A planning condition will be used to secure matching materials to ensure a sympathetic and consistent appearance appropriate to the character of the building.

The site is located within an Archaeological Notification Area. The Council's Archaeological Advisor has confirmed that although this site is close to the historic village centre (of the settlement of Littlehampton) and a significant Roman site, the proposals are such that they do not justify a refusal nor the requirement for mitigation measures to protect archaeological remains.

Given the siting, scale and nature of the proposals, subject to a planning condition to secure matching

materials, the visual amenity of the area and character of this Locally Listed Building of Character would be maintained and conserved, and an archaeological area of interest would not be harmed. This would accord with the NPPF, and Local Plan policies D SP1, D DM1, D DM4, HER DM2 and HER DM6, and Neighbourhood Plan policy 17.

RESIDENTIAL AMENITY:

The proposed extension would replace existing structures at the rear of the site of a similar coverage, albeit the proposed extension would be slightly wider and the proposals would move the position of the external staircase from first to ground floor further toward the rear of the site. The proposed extension would be single storey, as per the existing structures, and would have a flat roof, unlike the existing structures which mainly have pitched roofs.

The proposed extension would extend closer to the side boundary with no.35 than the existing structures, although it would still be single storey. It would project rearward beyond a solid door on the rear of no.35 and face toward a side facing window of a single storey structure at the rear of no.35. The external staircase would also be repositioned further toward the rear of the application site. The structure at no. 35 serves a car valeting workshop. Given the closest doors and windows at no.35, the proposed extension is not considered to result in a significant loss of outlook, light or privacy to any occupants.

The proposals would create a larger area of flat roof above the proposed rear extension. No. 35 adjacent has a first floor roof terrace (surrounded by timber fencing) which serves the residential flat at first floor level. As such, were the new flat roof above the new extension to be used as a roof terrace this could afford views toward this neighbouring roof terrace and rear windows. A planning condition is therefore to be applied, stating that, in the event of the flat roof being used as a sitting out area, it shall not be used until an obscure-glazed minimum 1.7m high screen on the side boundary with no. 35 has been installed, in order to avoid overlooking and loss of privacy to these neighbouring occupants.

Subject to the above planning condition, the proposals would have an acceptable impact on residential amenity, in accordance with the NPPF and Local Plan policies D DM1 and QE SP1.

HIGHWAYS:

The proposals would replace existing structures, albeit it with a slightly larger footprint, providing 2 No. WCs and some increased storage space. Since, it would replace existing structures, would only be minimally larger, and would be storage associated with and serving the existing retail unit ('Felix Dancewear'), the increased retail floorspace would not result in a significant increase in parking demand, on-street parking pressure, nor have any significant highways impacts. As such, the proposals would accord with the NPPF and policies T SP1 and T DM1 of the Local Plan.

FLOOD RISK:

The site is located within Flood Zones 2 & 3 (medium-high risk). Since the proposals are for 'minor development' as defined by the NPPF (in this case a minor non-residential commercial extension with a footprint of less than 250sqm) 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. This sets out matters and measures including commercial use with no full time occupants of retail unit, floor levels no lower than existing, construction of extension, raised electric sockets, registration with EA's flood warning service and safe evacuation of the building at the rear into public car park.

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 proposals would have an acceptable impact on visual and residential amenity, heritage, highways and flood risk, and 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.

CIL DETAILS

This application is not CIL Liable as it is classed as 'other development', therefore developer contributions towards infrastructure will not be required.

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:

Proposed Floor Plans and Elevations (BEA/002 Rev A)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1, D DM1, D DM4, HER DM2 and QE SP1 of the Arun Local Plan and Policy 17 of the Littlehampton Neighbourhood Plan.

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

Reason: In the interests of visual amenity and to conserve a Building of Character in accordance with the National Planning Policy Framework and policies D SP1, D DM1, D DM4 and HER DM2 of the Arun Local Plan and Policy 17 of the Littlehampton Neighbourhood Plan.

- 4 In the event of the flat roof to the new extension being used as a sitting out area, it shall not be used until an obscure-glazed screen to a minimum height of 1.7m has been installed on the perimeter of this flat roof area on the side boundary with no. 35 Beach Road. This screening shall be retained as such in perpetuity thereafter.

Reason: To protect the residential amenity of neighbouring occupants, in accordance with the National Planning Policy Framework and policies D DM1 and QE SP1 of the Arun Local Plan.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) received 27th October 2020 and the mitigation measures detailed within the FRA as follows:

1. Finished floor levels of the extension are set no lower than existing or 300mm above the estimated flood level.
2. Use of flood proof materials including concrete sub-floor
3. Raised electrical sockets (minimum 1m above floor level)
4. Registration with the Environment Agency's flood warning service
5. Identification of safe evacuation routes into and out of the site to an appropriate safe haven (from rear of building into public car park at rear).

Reason: To reduce the risk and impact of flooding on the proposed development and future occupants, in accordance with the National Planning Policy Framework and policy W DM2 of the Arun Local Plan.

- 6 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 (in the form of a revised Flood Risk Assessment) 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.

- 7 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. If any asbestos is to be removed during demolition/removal of the existing structures at the rear of the site, this must be suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.