

Recommendation Report for Planning Permission

REF NO:	LU/247/20/PL
LOCATION:	57 River Road Littlehampton BN17 5DD
PROPOSAL:	Partial demolition of existing building, retention of boundary wall & street facade, partial demolition of boundary wall to incorporate new pedestrian gateway & gate, erection of 6 No. flats in 2 blocks connected by shared stair & lift core, on site parking yard for 8 No. cars & 8 No. cycles & space for communal refuse & recycling bins. This application affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposals are for the demolition of all but the front elevation of the existing building at 57 River Road and the construction of a 3.5-storey building behind it. It is also proposed to construct a 4-storey building on land to the east of 57 River Road. The proposals would include 8 car parking spaces and 8 cycle spaces at ground floor level. The units comprise 1 x 2 bed and 4 x 3 bed flats (6 person) and 1 x 3 bed (5 person flats) and includes 8 car parking spaces and 8 cycle spaces. The units would have pitched roofs. It proposed that the elevations would be clad and brick and the roofing would be zinc grey cladding.
SITE AREA	475sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	13 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Building abuts road frontage in part and the rest of the frontage has flint walling to a height of approximately 2 metres. Rear to river 1 metre high concrete wall. Neighbouring properties are located on the boundary.
SITE CHARACTERISTICS	Detached 2 storey warehouse style building with parking area to east. Flint elevations (lower portion on River Road painted) and slate roof. Premises are occupied by Riverside Autos, a car repair garage.

External timber staircase to first floor.

CHARACTER OF LOCALITY

Predominantly residential characterised by a mix of dwelling designs and height. New dwellings to west are 4 storeys in height. To east no.49 is detached and 2 storeys high. Opposite modern flat development.

RELEVANT SITE HISTORY

LU/44/11/	Demolish existing building, retaining the existing facades on River Road and party wall on the south east boundary. Rebuild north west boundary flank wall. Change of use to residential. Construct new three storey building consisting of 5no. 4 Bed houses, and open parking at ground floor level.	ApproveConditionally 31-05-11
LU/407/07/	Demolish existing building, retaining the existing facades on River Road, the north west boundary flank and party wall on the south east boundary and construct three storey building containing 9 No 2 bedroom and 3 No 1 bedroom apartments with open parking at ground floor. (Re-submission following LU/91/07/)	Refused 06-02-08
		Appeal: Allowed+Conditions 22-10-08

REPRESENTATIONS

Littlehampton Town Council

Objection:

- Insufficient Parking.
- Adverse impact on residential amenity regarding privacy.
- Insufficient Flood Protection.

6 Objections raising the following material planning considerations:

- Loss of light, view and privacy.
- Loss/harm of heritage asset.
- Closeness and height of second floor flank wall and projection unacceptable.

4 Support:

- Sustainable development in keeping with the area.
- It ensures new access to the river for leisure users and adds value to the river scape and the street scene as well as demonstrating that Littlehampton is a place to invest in and live.
- It attempts to include and retain as much of the original walls as is possible thus blending the old and the new.

Local Group - Objection:

- The condition report submitted with the application does not indicate that the building is in poor structural or dangerous condition.
- In coming to a view that the substantial demolition of the building should be permitted, the Council

needs to be satisfied that there is no viable appropriate use for the building, including residential conversion, and that there is no possibility of an historic building preservation trust taking on the repair works and finding an appropriate use.

COMMENTS ON REPRESENTATIONS RECEIVED:

Loss of a view is not a material planning consideration.

The setback areas won't be accessible as terraces to minimise overlooking of 49 River Road.

The site is sustainably located and the parking shortfall is acceptable.

Response to other comments is included in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Objection.

The yard to the side of 47 River Road is one of the last remaining undeveloped areas along the road. Whilst it would be desirable to retain such a gap site in order to preserve the pattern and rhythm of development in the street, it is also acknowledged that the site and the building are both in a poor state of repair and some form of development here does have the opportunity to enhance the area.

The existing building is considered to be a crucial dimension to the sense of place and local history, and it is considered that its loss would be harmful to the local character of the conservation area. The only way that the loss of the building could be considered is as a result of issues related to its structural ability to tolerate conversion. If the concept of demolishing the existing building is accepted by the authority, the materials from the demolished building could form part of the proposed building works.

In terms of impact on the character of the local area the southern block is one floor too high. The proposed development at this height would negatively impact on the setting of the neighbouring asset.

Full comments can be viewed on the website.

Environmental Health - No Objection.

Conditions requested .

Environment Agency - No Objection.

FRA now complies with requirements and should be conditioned.

Minerals Officer - No Objection.

County Highways - No Objection.

Conditions requested.

Conservation Area Advisory Panel - Objection.

- The existing building retains its form and appearance as a riverside warehouse and makes a strongly positive contribution to the character and appearance of the River Road Conservation Area.

- Every attempt should be made to retain this building. The condition report does not indicate that the building is in poor structural or dangerous condition and the issue surrounds the viability of finding uses for the building given the costs of repair.

- Conditions requested

Drainage Engineer - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The FRA has been amended to allude to a 40% allowance for climate change as suggested by Engineers.

POLICY CONTEXT

Designation applicable to site:

Within River Road Conservation Area

Abuts River Arun

Building of Character

Flood Zone 3

Littlehampton Economic Growth Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QEDM3	QE DM3 Air Pollution
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HERDM3	HER DM3 Conservation Areas
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QEDM4	QE DM4 Contaminated Land
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
SDSP1	SD SP1 Sustainable Development
EMPSP2	EMP SP2 Economic Growth Areas
EMPDM1	EMP DM1 Employment Land: Development Management

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

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 relevant policies of the Littlehampton Neighbourhood Development Plan 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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the established character of the surrounding area, would be at risk of flooding and would reduce employment opportunities.

Where the building is located in a Conservation Area, Section 71(1) of the 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 conflict with these criteria in that it is considered to materially affect the character of the Conservation Area and locally listed heritage assets within it.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application site is situated within a sustainable location close to the town centre and railway station where the principle of development is acceptable.

The proposed development will deliver 6 additional homes on previously developed land in accordance with Policy SD SP1a, and will contribute towards meeting the Council's overall housing needs as detailed within Policy H SP1. The proposed residential units will comprise a mix of apartment sizes.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where it is stated that permission would be granted, unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

The sections below will go on to make a planning assessment of what is proposed and whether planning permission should be recommended.

VISUAL AMENITY AND CHARACTER

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The existing building is situated in a prominent location within River Road being visible from the river, bridge and road frontage. Whilst showing signs of neglect it does make a contribution to the historic character of the area. Therefore, visually, its retention is preferred to its complete demolition.

The proposed buildings have been designed in a way which does not fully relate to the physical characteristics of the site and the surrounding area. The density and the extent of site coverage reflect the adjacent building to the north. The development responds to the site and its setting in accordance with section 4 of Arun's Draft Design Guide. It relates positively to the scale and form of the surrounding natural and built environment and creates connections with the site's surroundings, promoting integration and permeability.

The retained elevations at 47 River Road and the warehouse at 57 and former workshops at 49 River Road are all 2 storeys in height and provide a contrast of scale with the taller buildings along the street. More recent gabled garage buildings further east on River Road continue this variety of scale which contributes to the character of the area and offers clues for the development proposals at 57 River Road. The streets to the north of River Road are also predominantly 2 and 3 storeys with some 4 storey development along Terminus Road.

River Road is fronted primarily with 2 and 3 storey dwellings punctuated with the 4 storey development at 47 River Road and the set back massing of the 4-6 storey building at Mariners Quay. The proposal is for 2 blocks of 3.5 storeys and 4 storeys with ridge heights lower than the adjacent development at 47 River Road and marginally higher than the ridge height of the 3 storey flats at Pharos Quay on the opposite side of River Road.

With the exception of the most southerly unit the massing of the 2 buildings sits comfortably within the street and river scene. River Road is relatively narrow making the oblique views along the street important visually. Both buildings have set back top floors with terraces. The southerly block also steps back at second floor along the south east boundary, but the height, combined with distance to the southern boundary does not respect the scale of 49 River Road and it is overly high in relation to it. No assessment of this dominating impact on the adjacent Building of Character has been provided.

Materials would contrast through the use of metal cladding. This would reflect some of the metal clad buildings associated with ship building, particularly those on the opposite side of the river. It is considered that contrasting material would be in keeping with the heritage of the area.

However whilst the overall design and materials are considered acceptable in accordance with part (2) of D DM1 the development would not improve upon the character of the site and surrounding area for the reasons set out below and it is not considered that the development as a whole complies with the requirements of policy D DM1(1) of Arun Local Plan.

HERITAGE CONSIDERATIONS

CONSERVATION AREA

Arun Local Plan Policy

The relevant Local Plan policy for assessment of the impact on the Conservation Area is policy HER DM3 which states that in order to preserve and enhance the character and appearance of the Conservation Area planning permission will normally be granted for proposals within a conservation Area provided that (a) new buildings and structures acknowledge the character or their special environment in their layout, form, scale and detailing and the spaces created between buildings (b) alterations to existing buildings are sensitively designed, are sympathetic in scale and emphasise the qualities of the existing buildings or streetscape in the area, (d) unsympathetic features are removed, (e) it retains historically significant boundaries and elements of the area's established pattern of development, character and historic value and (f) that proposals do not harm important views into, or out of or within the Conservation Area.

Policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance.

The Conservation Area

The site lies within the Littlehampton River Road Conservation Area. A key element of the Conservation Area is its relationship with the river. River Road runs parallel to the river (to its west) and the site looks directly on to it. Wharves were developed in the area. This part of the Conservation Area comprises the 19th century application building and that adjoining to the south east and those fronting Terminus Road including the Steam Packet PH, Arun View Inn, and the former Customs House to the northwest. Many of the buildings reflect the growth of the harbour of that period. Both planning policies and central government advice place an emphasis on development preserving or enhancing the character and appearance of the Conservation Area.

The Proposal - Assessment of Degree of Harm to the appearance of the Conservation Area

The site includes a building which will have the front portion maintained within the street scene to retain a historic reference and the development maintains a 2m gap along the boundary with 49 River Road preserving part of the established gap and the southerly block is lifted up a storey on columns allowing views beneath. The development is designed to separate the accommodation into 2 blocks with a 5m gap between bridged with a fully glazed stair and lift core retaining views toward the river.

These design features ensure that the proposal still retains glimpses of the river.

The development would reflect the design and ethos of the adjacent development to the north and would not appear out of keeping in its context. The 2 parts of the development share the same silhouette - metal double gabled roofs minimise the overall height and make reference to the historic warehouse elevations and the roof profiles of adjacent developments. Other elements such as balconies, windows and rainwater goods emphasise the industrial aesthetic rather than a domestic character. These features enhance the appearance of the Conservation Area.

However, the proposal results in the loss of a building of character which is not fully justified as discussed below and has an adverse overly dominant impact on the setting of a Building of Character (49 River Road) within the Conservation Area. The development is not sympathetic in scale and form to the adjoining building and no case has been made to justify this damaging relationship. The proposal is therefore not considered to preserve and enhance the character of the area by detracting from its

historic character in conflict with policies HER DM3 and HER SP1 of Arun Local Plan.

Conclusion on Impact on the Conservation Area

In conclusion, whilst the gap in the Conservation Area is reduced in width some important views/glimpses of the river would be retained and there is some justification that the proposal would enhance the appearance of the area by replacing what is currently a dilapidated building with a new structure of appropriate design which retains elements of the existing building and its historic relationship with the area. However the development has an adverse impact on the adjacent building of character and removal of the building of character is not adequately justified which means that the development as a whole does not preserve and enhance the character and appearance of the Conservation Area and is therefore unacceptable in terms of compliance with policy HERDM3.

Other Material Planning Considerations National Planning Policy Framework (NPPF)

In accordance with paragraph 189 of the NPPF, a Heritage Statement has been prepared which assesses the impact the development has on the character of the existing building, but it fails to provide any analysis of the impact on the locally designated building at 49 River Road or the Conservation Area generally, and adequate justification is not provided for removal of the application building.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed replacement development could have on the appreciation of the significance of the identified locally listed buildings and their settings and the appearance of the Conservation Area. As discussed above the proposal would represent an acceptable change in the appearance of the current dilapidated building, but it results in an adverse impact on the setting of the adjacent heritage asset and the character and appearance of the area and the loss of a heritage asset.

In accordance with para.190 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise, the Conservation officer has been consulted and he has commented that the design and appearance of the buildings is generally acceptable as long as the quality of the materials used can be clearly identified within the scheme, but he is concerned about the height of the building and its relationship with the adjacent locally listed building and the loss of the building if not adequately justified.

LOCALLY LISTED BUILDINGS OR STRUCTURES OF CHARACTER

The application site includes 57 River Road which is a building of special character. This non-designated heritage asset status relates to its age and rarity as an early survival of a 19th century warehouse along River Road, group value and historical associations. No 49 to the south is also a building of special character.

Arun Local Plan Policy

The relevant Local Plan policy for assessment of the impact of partial demolition of the Building of Character is policy HER DM2 which states that proposals resulting in the loss of Locally Listed Buildings will only be approved when it can be demonstrated that the building cannot be put to a beneficial use or re-use. In this particular case the ground floor of the building is already in use, but the agents advise that this use is not viable in the long term. Replacement structures will need to be of high quality design. There may be circumstances where the public benefit from the proposed development outweighs any proposed harm, in such circumstances, the proposal will need to be justified as appropriate.

Policy HER SP1 refers to non-designated heritage assets including locally listed heritage assets and

states they need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

Policy 17 of Littlehampton Neighbourhood Plan Buildings and Structures of Character refers to locally important heritage assets. It states that the effect of a planning application proposal on the significance of these non-designated heritage assets will be taken into account in determining the application in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Assessment of Degree of Harm to locally Listed Building

The submitted Heritage Statement concludes that 57 River Road is of moderate historical significance but of low to moderate architectural significance.

The proposal is for the demolition of all but the front elevation of 57 River Road and the insertion of a 3.5-storey structure behind the historic road frontage. The proposed development also includes the development of the adjacent yard with a 4-storey building. The proposed development of the yard would retain the front boundary wall and include the insertion of a new gate. The flint cobble and brick wall makes a positive contribution to the street scene in terms of its form and materials. Retaining this wall will preserve the physical and visual relationship of the yard and its boundary to the warehouse and continue to be a positive historic feature within the street scene.

The submitted assessment of the value of the heritage asset refers to its alteration which includes demolition of a bay on the River Arun side of the building and the original roof covering being replaced with modern tiles. None of the original doors or windows survive, although the openings with brick dressings partly survive. The south-west elevation with corrugated metal cladding does not contribute to the character of the building or to views towards the Conservation Area from the opposing bank of the River Arun. The south-east elevation has been truncated, along with one first floor window, and a door with an unsympathetic steel I-beam lintel inserted on the ground floor. A modern concrete block structure is located at the centre of the elevation. The front elevation includes 20th century double doors. The exterior has been much changed, although its original form and function can still be appreciated. The ground floor has been altered to accommodate a car repairs workshop and painting facilities. The upper floors remain as open spaces. The floor and roof structures remain intact.

57 River Road makes a positive contribution to the architectural and historical interest of the Conservation Area. Its form and use of materials contribute to the street scene. Retaining the front gable end elevation will to a certain extent preserve the streetscape and will be in keeping with the adjacent development. Whilst the development would utilise existing openings and the date stone with the name T. Isemonger will remain legible the proposed demolition would have a direct physical impact on the heritage asset and would result in its partial loss. Whilst the proposal will ensure it will continue to serve as legible evidence of past commercial activities along this part of River Road the loss of the building still requires justification and should only be agreed when the options for retention can be reasonably discounted. The building is significant in terms of its age and rarity as an early survival of a 19th century warehouse along River Road, group value and historical associations.

The proposed partial demolition would result in the loss of historic fabric which is considered to be of low to moderate significance. Development of the adjoining yard would involve the loss of an open space associated with wharves along the east bank of the river Arun. The openness of the yard provides views onto the side elevation of 57 River Road, but the car parking which occurs in the area detracts from the appearance of the area generally. The yard is an early 19th century wharf and has retained its openness and plan form to the present day. However, historic map regression shows that the infilling of these spaces, particularly during the course of the 20th century, has formed part of the historic pattern of development of the wharves. The riverside is now strongly characterised by a strong sense of enclosure

which characterises River Road and is an aspect of views from the opposing side of the Arun.

The proposed building in the yard area would be visually separated from the proposed building at No. 57 by a glazed link containing staircases and would be offset from the property to the south-east. This will retain a degree of openness that will maintain the definition of the yard and afford glimpsed views between the buildings.

The proposal also includes a structural survey of the building which identifies that it is in a poor state of repair, but it does not conclude that it is beyond repair. The upper floors appear original and it has suffered from lack of care and maintenance to keep it wind and watertight. The junctions of all walls/floors and roof rafters need restraining or fixing in position to prevent spread and ongoing movement. Floors have flexed and are considered overloaded for the upper floors. Externally the cracking and movement is attributed to corrosion and decay of lintels or beams over door and window openings. These beams can be renewed and walls which have then moved can then be restrained in their current position. There is the need for some local rebuilding of flint walls where necessary to north wall particularly at the rear due to water ingress through the roof and south wall due to bowing where lintels have failed. The missing roof claddings, the party wall valley gutter and the river elevation claddings all need replacement. All windows need renewal and all doors require thorough overhaul. Notwithstanding these defects the property is repairable and should be protected.

A Market Assessment considers 3 options for renovating the warehouse and yard to return it to a safe state with a continuing commercial/employment use. The assessment concludes that the building is reasonably well located close to Littlehampton town centre. If it remains in its current condition economic use is not achievable. The amount of investment needed to upgrade it to a usable condition would not be reflected by any form of realistic return. It is unlikely that a light industrial/warehouse user would find the premises attractive when better modern alternatives are available. Refurbishment to create bespoke offices, would be appealing, but would require significant expense which would exceed the return. However the condition report submitted with the application does not indicate that the building is in poor structural or dangerous condition and the issue surrounds the viability of finding uses for the building given the costs of repair. It is not adequately demonstrated that there is no viable appropriate use for the building. Offices in this prime location would not be readily comparable with modern offices located elsewhere further from public transport, the town centre and with poor outlook and residential conversion could be possible. Other options include the possibility of an alternative funding repair works option which has not been explored.

The proposal would not accord with policy HER SP1 since the existing non-designated heritage assets are not conserved and enhanced. The proposal results in the loss of a historically important and significant Locally Listed Buildings and it has not been satisfactorily demonstrated in the information supporting this application that the building cannot be repaired and put to a viable beneficial use or re-use and the proposal therefore conflicts with policy HER DM2.

In accordance with paragraph 197 of NPPF, the impact should be weighed against significance of the heritage asset as well as the impact of the replacement and new buildings. It is considered that the harm arising from partial demolition could be mitigated through a programme of historic building recording to an appropriate level. Retaining the front elevation will to a certain extent preserve the historic integrity of the street scene, but the demolition of all but the front gable of the building would remove a rare and historically important building in the street scene and that in combination with a design of inappropriate height and scale in relation to the heritage asset to the south would not preserve and enhance the character and appearance of the Conservation Area. The proposed mitigation, by retaining the gable would not be sufficient to address the potential harm to the loss of adverse impact on the setting of heritage assets of this part of River Road.

Other Material Planning Considerations National Planning Policy Framework (NPPF)

In accordance with paragraph 189 of the NPPF a Heritage Statement has been prepared which assesses the impact the development has on the non-designated heritage asset and assesses how this may affect the proposed development. It does not make any assessment of the impact on the adjacent heritage asset no 49.

The NPPF requires Local Planning Authorities to identify and assess significance of a Heritage Asset that may be affected by proposals (paragraph 190). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.

Paragraph 194 of the NPPF requires clear and convincing justification for any harm or loss of the significance of a heritage asset. The evidence submitted for partial removal of the heritage asset is not convincing. Repair and re-use are possible and the possibility of involving a heritage trust has not been explored.

Paragraph 197 of the NPPF requires the balancing of proposals which affect the significance of non-designated Heritage Assets, having regard to the scale of the harm. It is considered that the proposal would cause harm to the significance of 57 and 49 River Road as non-designated Heritage Assets. Consequently, the balancing exercise as part of this paragraph of the NPPF is required to be undertaken.

The proposal has taken some account of the policy objectives set out in paragraph 192 of the NPPF by improving the dilapidated form of an existing heritage asset, but the conservation of the designated Heritage Assets which include the character and appearance of the Conservation Area and impact on other non designated heritage asset buildings have not been sufficiently minimised and mitigated for as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

CONCLUSIONS IN RESPECT OF PLANNING BALANCE IN RELATION TO HERITAGE ASSETS

Overall, the proposal does cause a level of harm to the Heritage Assets by partially demolishing a Building of Character, and this level is such that the impact can be described as leading to less than substantial harm. In accordance with paragraph 196 of the NPPF this harm needs to be weighed against the public benefits of the proposal.

It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Providing much needed housing to meet the deficit in Arun's 5 year Housing Land Supply (HLS).
- Benefitting the local economy by bringing in additional residents to the town centre shops and services.
- Benefitting the streets surrounding the site from increased natural surveillance, reducing crime & anti-social behaviour.
- Creating construction jobs.

It is considered that these benefits do not sufficiently outweigh the harm caused as outlined above and the proposal is therefore not compliant with the NPPF.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of

the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development to have a minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Planning Policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

In this case, it is considered that the proposed development would have an acceptable impact on the residential amenities of neighbouring properties in accordance with policy D DM1(3) in terms of overlooking to other existing balconies on properties to both sides of the proposal. Screening of balcony sides and restricted openings on flank walls and use of flat roofed areas could be conditioned to protect privacy. It is noted that the setback areas won't be accessible as terraces to minimise overlooking of 49 River Road.

In terms of residential amenity, the River Road frontage faces onto the flatted development at Pharos Quay. The proposed development also faces indirectly onto a terrace of flats, numbers 24 to 29. Although balconies and terraces are proposed it is not considered any adverse overlooking or overshadowing occurs by reason of the separation distances involved and denser urban nature of the area.

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. All of the flats comply with the standards in respect of internal space.

Paragraph 127 of the NPPF requires that new development has a high standard of amenity for existing and future users. The flats are provided with balconies and patios and there is significant public open space nearby to consider the flats to be supplied with sufficient external amenity space.

FLOOD RISK AND DRAINAGE

The site is located within Flood Zones 3a, indicating a medium to high probability of flooding from tidal and/or fluvial sources. Zone 3a comprises land assessed as having a greater than 1 in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year

Policy WDM 2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

With regard to parts a and b the proposal includes a site specific Flood Risk Assessment (FRA) which

includes a paragraph entitled sequential testing which cannot be considered to be a sequential test. Part of the policy is not therefore met. The FRA is considered to include sufficient information to meet the requirements of parts d-f of policy WDM2 as expanded on below.

Guidance in relation to sequential testing and applying the exceptions test is provided within the NPPF and NPPG. The NPPF para 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para 163 requires that when determining planning applications local planning authorities should ensure that within the site the most vulnerable development is located in areas of lowest risk of flooding. This is the case on this site in so far as residential use is above ground floor car parking.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

No sequential test has been submitted. The information referred to within the applicants FRA states that there are no suitable sites located within a reasonable radius of the site which could be used by this development. The available sites within Zone 1 are all disproportionately large to be viable for a small development of six apartments and those of an appropriate size are also located within Zones 2 and 3. However no examples are provided and the LPA does not share this view. The requirement to carry out a sequential test has not been met and as a result the proposal does not accord with policy WDM2 of Arun Local Plan as it fails to accord with (a) of that policy. There may be likely to be other sites within the local area capable of accommodating a development of 6 flats. No discussion prior to submission of the application was undertaken between the Local Planning Authority and the applicant with regard to sequential testing.

The National Planning Policy Guidance (NPPG) in Paragraph: 034 Reference ID: 7-034-20140306 makes it clear it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case. Ultimately after the sequential test has been submitted the local planning authority needs to be satisfied that the proposed development would be safe and not lead to increased flood risk elsewhere. The developer should justify with evidence to the LPA what area of search has been used when making the application. In this case there has been no sequential testing carried out. It may be possible to provide this development elsewhere since it represents redevelopment of an existing site which is not redundant. It is therefore considered that there may be likely to be other more preferable sites for this development where the risk to flooding is acceptable. These are considerations which would have been taken into account if a sequential test had been submitted.

Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required. The exception test, as set out in paragraph 160 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The need for the test depends on the potential vulnerability of the site and of the development proposed. As 'More Vulnerable' uses are proposed, namely residential uses, if the sequential test had been carried out, the exception test would need to be satisfied in this case. Para. 160 of the NPPF requires the exception test to be informed by a site specific flood risk assessment.

If the exception test were to have been applied it would be necessary to demonstrate that the development would:

- Provide wider sustainability benefits to the community that outweigh the flood risk; and
- Be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The evidence submitted comprises the following:

- The location adjoining the town centre, railway station and bus routes means the development is highly sustainable, the mitigation measures taken in the design mean the development is not an unacceptable risk nor does it pose an unacceptable risk to existing developments in the area. It provides safe and attractive residential units in a very popular, sought after riverside location which cannot be provided elsewhere in a lower risk site.
- Mitigation measures such as openings on the flood wall could be beneficial for the existing developments, as trapped flood water would be able to drain back into the river channel through the proposed openings via flap valves.
- The proposed development is on previously developed land.
- The proposed development has been designed specifically for this site to compliment and effectively act as an extension to the redevelopment of 47 River Road.
- This report is prepared to satisfy the third condition of the exception test.

On this basis, the requirements of the NPPF are met as the development includes sufficient sustainability measures to outweigh the risk of flooding.

The second requirement of the exception test that must be met is that the development must be safe and not increase flood risk to others, this is satisfactorily addressed in the FRA as verified by the Environment Agency and could be secured by condition ensuring the development proceeds in accordance with the submitted FRA and the mitigation within it.

In order to protect the proposed residential units from tidal flooding, the proposed ground floor finished floor levels (FFL) must be set at 5.17m AOD. This ensures that the residential elements of the development would remain free of flooding over its lifetime.

It is therefore considered that although the site is at risk of tidal flooding, the 'more vulnerable' areas would be protected throughout the lifetime of the development. The bin and cycle stores and parking would be at risk of flooding during and above the present day 1 in 1000 year flood event. The road levels are identified as 3.40mAOD. Therefore safe access to and from the building will not be possible in case of a flooding. As a result, emergency services will not be able to operate and the safety occupants will be reliant on safe refuge within the building or prior to evacuation. However mitigation measures would be incorporated to reduce risk of internal flooding, the mitigation measures outlined in the Flood Risk Assessment should be implemented in order for the building to be considered safe from a flood risk perspective.

Providing all the finished floor levels are set no lower than 5.17mAOD, the development is likely to remain free of inundation over its lifetime. Safe refuge is available within the building. The LPA should be satisfied that the building can remain structurally sound given the potential flood depths (1.47m) possible at the site. A site specific flood warning and evacuation plan has to be implemented for the development to be considered safe from a flood risk perspective.

Although it is for the Local Planning Authority to determine if the exception test is met the Environment Agency have no objection subject to imposition of appropriate pre-commencement conditions. It is therefore considered that if it had been required the proposal would have met the exception test in accordance with the guidance in the NPPF and NPPG.

The proposal does not accord with policy WDM2 as it conflict with WDM2(a), but for the reasons set out above, the risk from flooding is acceptable and more vulnerable uses are located in areas at less risk of flooding. It is also noted that the adjacent site with a similar form of development was allowed at appeal by an Inspector who considered the flood risk was acceptable and this decision was made prior to the flood wall along the River Arun being provided which has improved the flood risk.

With regard to drainage policy WDM3 seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS).

The proposal meets these requirements. Drainage Engineers have no objection to the proposal subject to the imposition of appropriate pre commencement conditions and the proposal therefore accords with the requirements of policy W DM3 of Arun Local Plan.

HIGHWAY CONSIDERATIONS

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network and 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, development which give priority to pedestrian and cycle movements and have access to high quality public transport facilities and create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter will be supported. With regard to parking, development which incorporates appropriate levels of parking in line with adopted standards will be supported.

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."

Arun parking standards require 2 spaces for each 3 bed unit and 1 space for 2 bed units, plus 20% for visitors equating to an additional 1.5 spaces. This results in a total requirement of 12.5 (13) spaces.

The cycle parking generated would be 1 per unit requiring 6 spaces. It is noted sufficient spaces are indicated on the ground floor plan,

However, it is important to emphasise that the site is located within the town centre and is highly accessible by more sustainable modes of travel than the private car. It is within walking distance of Littlehampton train station and various bus stops within the town centre offering convenient access to alternative, sustainable modes of travel and less reliance on private car. The proposal is acceptable in transport and highway terms in accordance with policy TSP1 of Arun Local Plan.

Arun District Council's Electric Vehicle Infrastructure Study was agreed at Full Council on 18-01-2019 and policy QE DM3 of the Arun Local Plan seeks to encourage the use of electric vehicle charging points. Therefore any proposal should make such provision at a rate of 2% of the parking spaces provided and this will be conditioned.

EMPLOYMENT OPPORTUNITIES

The site lies within an Economic Growth Area which has been designated in the Local Plan to promote vitality, viability and regeneration within the area and contains an employment site in the form of a garage/workshop for 2 employees. Policies EMP DM1(2) and EMPSP2 are therefore relevant.

In order to accord with policy EMP DM1(2) the proposal would need to demonstrate that the site is no longer required and is unlikely to be reused for commercial purposes. It is not clear from the evidence submitted that the commercial use of the premises is redundant or that the 2 existing jobs will be satisfactorily relocated. It has not been demonstrated that the use is no longer required and can be suitably re-located.

The site is designated within the Littlehampton Economic Growth Area. Policy EMP SP2 of the Local Plan encourages the Council to work with partners to enhance local employment opportunities within Economic Growth Areas, supporting development that provides for additional or enhanced small scale retail opportunities, commercial, leisure and restaurant uses. The proposal results in a reduction of the employment offer of 2 jobs at ground floor at the site and does not satisfactorily justify that the site does not have a reasonable prospect of employment use in the short term. It is considered that the marketing and viability appraisal do evidence that in the long term refurbishment for commercial use is unlikely to be financially viable.

In the long term the proposal would provide additional residential units which would help to support the town's functions in compliance with policy EMP SP2. However, it has not been justified that this would be acceptable at the expense of losing an employment facility currently offering 2 jobs.

Therefore the provision of a new residential development has not been adequately justified in order to meet policy EMP SP2 which seeks the enhancement of the Littlehampton Economic Growth Area for the benefit of the community.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Governments ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

Local Plan Policy ECC SP2 "Energy and Climate Change Mitigation" states that all new residential and commercial development will be expected to be energy efficient and to demonstrate how they will achieve energy efficiency measures, use design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems. In assessing the achievement of these standards the Council will consider site constraints, technical and financial viability and delivery of additional benefits.

The proposals will incorporate a range of design and energy efficiency measures throughout the site. They will have high levels of insulation and air tightness and glazing that allows for passive solar gain in the colder months while avoiding over heating in the summer through shading and good levels of ventilation. The proposals have an efficient form and good orientation to allow these approaches to be effective. In accordance with policy ECC SP2 of the Local Plan it is recommended that a condition is imposed requiring that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements.

CONCLUSION

The proposed development is in a sustainable location, but results in the loss of 2 jobs and is an area at high risk of flooding. Additional housing is supported given the Council's lack of a 5 year supply of housing but there are detrimental effects that significantly and demonstrably outweigh the benefits of granting planning permission on this site. The proposal is contrary to policy WDM2 of the Local Plan with regard to the submission of a sequential test, and there are no other material planning considerations which make it acceptable in terms of flooding.

It would give rise to significant harm to the character of the area and would not preserve or enhance the appearance of the Conservation Area or setting of heritage assets within it. The impact on the nearby Conservation Area and Listed Buildings is less than substantial and this has been weighed against the public benefits to the extent that permission is not recommended in this regard. The application does not enhance the employment provision of a designated Growth Area and 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 the Littlehampton River Road Conservation Area and given the height of the southerly unit and the impact of the development on non designated heritage assets within the Conservation Area it is not considered that the proposal would preserve and enhance the character and appearance of the Conservation Area in conflict with policies HER DM3 and HER SP1 of Arun Local Plan and the proposal would cause less than substantial harm to heritage assets which is not outweighed by public benefit and is therefore contrary to

paragraphs 192,194,196 and 197 of the NPPF.

- 2 The proposal results in the loss of a non designated heritage asset and it has not been adequately demonstrated that the building cannot be repaired and put to a viable beneficial use or re-use in conflict with policies HER SP1 and HERDM2 of Arun Local Plan.
- 3 The proposal is located within an Economic Development Area and in the absence of sufficient information to demonstrate that the loss of the existing employment site would be acceptable, the loss of employment opportunities, would be contrary to the aims and objectives of policies EMP DM1(2) and EMP SP2 of the Local Plan which seek to enhance employment opportunities.
- 4 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.