

**LAND AT NUMBER 57 RIVER ROAD,
LITTLEHAMPTON, BN17 5DD**

PLANNING STATEMENT

**PREPARED ON BEHALF OF BROWNFIELD ESTATES
BY FREDRICK ADAM LTD**

17 AUGUST 2021

**LAND AT NUMBER 57 RIVER ROAD,
LITTLEHAMPTON, BN17 5DD**

Arun District Council (ADC)

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EXECUTIVE SUMMARY

This application is submitted following receipt of decision notice dated 11 December 2020, refusing planning permission for the ‘partial demolition of the existing building and redevelopment to provide six residential apartments.’ (LPA Ref: LU/247/20/PL).

The application was refused by Arun District Council (ADC) on three grounds as follows:

“[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 the 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 NPPE.

[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 HER DM2* of the 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.”

This revised application has been informed by the three reasons for refusal, the assessment set out in the case officer's report, and by pre-application advice issued by ADC in respect of a revised scheme, and dated 21 April 2021 (LPA Ref: PAA/17/21 (**Appendix 1**)).

The revised scheme has been informed by an objective analysis of the site and its immediate setting; including the non-designated heritage assets within the River Road Conservation Area (CA), and the need to preserve and enhance the character of the CA.

It has also been informed by advice from a Structural Engineer and Chartered Surveyor.

It is agreed that the principle of redeveloping the site in accordance with policy SD SP1(a) of the Arun District Local Plan (ADLP, 2018) to provide six residential units is acceptable. It is also agreed that the revised design addresses the council's previous concerns, and meets the provisions of policy D DM1 of the ADLP, the National Planning Policy Framework (NPPF, 2021), and the National Design Model Code (NDMC, 2021).

The council acknowledge that the presence of the building and its relationship with the former historic use is positive to the Conservation Area (CA). The council also acknowledge that the existing building and gap adjacent are in poor state of repair, which detract from the CA. It is accepted that when weighed in the balance, redevelopment of the site will improve this part of the CA.

We have identified the principle planning issues to be as follows:

1. **Policy EMP DM1 (2)** - The applicants must demonstrate that in the short term, which has been confirmed by ADC to be one-year, the site is not required, and is unlikely to be re-used or redeveloped for industrial or commercial purposes.
2. **Policy HER SP1** - The applicants must demonstrate that the scheme does not involve substantial harm to the CA unless it can be demonstrated that the loss or harm achieves substantial benefits.
3. **Policy HER DM2** - The applicants must demonstrate that the building cannot be put to a beneficial use or re-use. It must be demonstrated that the building is beyond repair, and incapable or reasonable beneficial use.

In our view the proposed scheme meets the provisions of the Development Plan. The NPPF and NDMC are other material considerations, and there are no other relevant parts of the NPPF which requires that permission be refused.

This Planning Statement confirms the revisions which have been made since the refusal of the first application.

This application is submitted to positively address the previous three reasons for refusal.

1.0 INTRODUCTION

- 1.1 This statement is prepared on behalf of Brownfield Estates, in support of a planning application for the partial demolition of number 57 River Road, a change of use, and redevelopment to provide a six apartment residential flatted scheme, with on site parking, and a communal area for refuse and recycling.
- 1.2 The site measures 475 square metres, and comprises a two storey warehouse with pitch roof. An open yard with an entrance off River Road is located to the side of the warehouse. The warehouse is recognised to be a building of special character (i.e. a non-designated heritage asset).
- 1.3 The site is currently occupied by 'Riverside Motors'. The business owner is a self employed mechanic, who has confirmed his intention to retire and close the business.
- 1.4 Planning permission is sought for the following:
- “Partial demolition of number 57 River Road. A change of use, and redevelopment to provide a flatted development comprising six apartments, with private amenity space, parking and cycle storage. To include, the partial demolition of the adjacent boundary wall to provide a new pedestrian access, and the creation of a floating pontoon with resident mooring spaces.”**
- 1.5 The following tests fall to be considered in the determination of this application:
1. Is the partial demolition of the building and wall acceptable?
 2. Is the loss of employment and change of use to provide a residential scheme acceptable?
 3. Is the proposed scheme acceptable with regard to detailed design, and does the proposed scheme preserve and enhance the character and appearance of the CA and heritage asset, including its setting?
 4. Is the proposed scheme acceptable with regard to the residential amenity of adjacent buildings, occupiers, and future occupiers of the host building?

- 1.6 The application and the above tests will be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise.
- 1.7 For the purpose of this application, the DP comprises the following:
- The Arun Local Plan 2011 - 2031 (2018); and
 - The Littlehampton Neighbourhood Plan (NP) (2014).
- 1.8 This application follows a decision dated 11 December 2020 to refuse planning permission for the partial demolition of the existing building and redevelopment to provide apartments (LPA Ref: LU/247/20/PL). The scheme has been revised to address the three reasons for refusal.
- 1.9 The DP policies cited on the decision notice are:
- EMP DM1(2) and EMP SP2.
 - HER DM2 and HER DM3
 - HER SP1.
- 1.10 Reason for refusal 1 also cites paragraphs 192, 194, 196 and 197 of the National Planning Policy Framework (NPPF) (2019). The NPPF 2021 has been published.
- 1.11 Policy EMP DM1(2) seeks to protect existing existing employment premises and sites where there remains a reasonable prospect of employment use.
- 1.12 Policy EMP SP2 seeks to enhance local employment opportunities within the Growth Areas, including retail, leisure and office development.
- 1.13 Policy HER SP1 seeks to protect, inter alia, non-designated heritage assets and their settings.
- 1.14 Policy HER DM2 seeks to protect locally listed buildings or structures of character, and HER DM3 seeks to ensure all new development preserves and enhances the character and appearance of the CA.
- 1.15 The existing employment use will end in the immediate future, and a building condition survey has found the warehouse to be in an extremely bad state of repair, resulting in the conclusion that it would not be economically viable to renovate the building. The site has no reasonable prospect of being an employment site in the

long or short term. This application demonstrates that the replacement scheme is of an exceptionally high quality, and will preserve and enhance the character and appearance of the CA, and setting of the heritage asset. Public benefits also arise from the proposal and these are discussed later in this statement and within the Heritage Statement.

1.16 The proposed scheme complies with DP policies, including: EMP DM1(2), EMP SP2, HER SP1, HER DM2 and HER DM3 and the NPPF.

1.17 This report is set out as follows:

- Introduction
- The site and surroundings
- Planning history
- The proposal
- Planning policy context
- Case for development
- Summary and conclusions

2.0 THE SITE AND SURROUNDINGS

- 2.1 The site is defined on drawing number 1908_P_100 Rev.03 and measures 475 square metres.
- 2.2 The site fronts the River Arun, and comprises a two-storey building with pitch roof.
- 2.3 An open yard with entrance directly off River Road is located to the side of the building.
- 2.4 The east side of the river has almost entirely been redeveloped to provide residential units. This application comprises phase II of the permissions to the north west of the site (LPA Refs: LU/407/07 & LU/408/07/CA).
- 2.5 The existing building is in a poor condition, and it is not commercially viable to renovate the building to current building control standards.
- 2.6 A site visit will confirm that River Road is fronted by primarily 2 and 3 storey dwellings, punctuated with the 4-storey development at number 47, and massing of the 4-6 storey building at Mariners Quay.
- 2.7 A review of the adopted ADC Local Plan Policy Map (2018) confirms that the site is located within the built-up area, and within the River Road CA. There are no other site-specific designations.
- 2.8 A review of the Environmental Agency (EA) Flood Risk Map confirms that the site is located with Flood Zone 3.
- 2.9 The scheme architect has undertake a detailed site assessment exercise. A full description of the site is set out at section 2 of the Design and Access Statement (DAS).

3.0 PLANNING HISTORY

3.1 Full details of the planning history for the site are set out in section 1.2 of the DAS. The most relevant decisions are as follows:

- **LPA Ref: LU/247/20/PL** for the redevelopment of the site to provide six flats in 2 blocks. Refused on three grounds on 11 December 2020.
- **LPA Ref: PAA/17/21** - pre-application advice dated 21 April 2021 and follow up email from ADC dated 1 June 2021 (13.39).

3.2 Pre-application advice confirms that a revised application will secure officer support, subject to evidence being submitted to justify the following (**Appendix 1**):

- The loss/demolition of the heritage asset including an assessment of harm as required by the NPPF.
- The site is not required in the short term for an employment use.
- The scheme is of a high quality design.

3.3 Email dated 1 June 2021 from ADC (13.39) states:

“The CA officer has reviewed the revised plans and understands the point regarding the gap between the two buildings and found it helpful to understand that both the lift and stair core is designed as fully glazed, as this was not fully clear to him. I note the increase in separation distances of 0.5m, which is welcomed.”

3.4 A copy of the pre-application advice and email dated 1 June 2021 is attached at **Appendix 1**.

4.0 THE PROPOSAL

- 4.1 The proposed scheme is illustrated on drawing numbers 1908/100 Rev.3, 1908/160 Rev. 2, 1908/161 Rev.1, 1908/200 Rev.4, 1908/201 Rev.2, 1908/202 Rev.2, 1908/203 Rev.3, 1908/204 Rev. 3, 1908/300 Rev. 3, 1908/301 Rev.3, 1908/302 Rev.2, 1908/303 Rev.2, 1908/304 Rev.3, 1909/305 Rev.2, 1908/400 Rev.3 and 1908/401.
- 4.2 Full details of the proposal are set out at section 3 of the DAS. A summary is set out below.
- 4.3 With the exception of the flint elevation fronting River Road, the warehouse building will be removed in its entirety. The front elevation will be retained and repaired as per number 49 River Road. The loading door will be removed and replaced, and the timber door will be restored.
- 4.4 A section of the flint wall along River Road will be removed, and a new pedestrian access inserted. A vehicular gate will also be inserted. The remainder of the wall will be retained and repaired.
- 4.5 It is proposed to erect two buildings on the site, which are physically connected by an enclosed central fully glazed stairwell. A gap of 4.7 metres is proposed between the two buildings, which due to the glazing, will retain views towards the river and sky.
- 4.6 Due to the detailed design and through the choice of materials, the two buildings will reflect the former historic use of the site. The buildings are visually connected to each other, and also connect to the residential buildings in the immediate and wider area.
- 4.7 The proposed ground floor of the building on the northern section follows the footprint of the existing warehouse. At ground floor, the building comprises a 3 bedroom apartment measuring 112 square metres, raised 300mm above the 1 in 200 year AEP in year 2115 flood level. A generous terrace is provided to the rear, with views over the River Arun.
- 4.8 The building in the southern section is raised on columns providing limited views through the ground floor of the building. The ground floor provides 8 parking spaces with rapid charge points. 8 cycle spaces are also proposed, with a secure refuse and recycling area.

- 4.9 The two buildings are connected at ground floor by a glazed central core, which provides access to the lift.
- 4.10 The proposed northern building adjoins number 47 River Road. The southerly block is set back from number 49 River Road to increase the stepping down in scale. A gap of approximately 2.5 metres is proposed along the boundary with number 49 River Road.
- 4.11 Accommodation is accessed via a lift. Stairs are provided at the first floor level of both buildings.
- 4.12 At first floor, two 3-bed apartments are proposed, one measuring 114 square metres and one measuring 112 square metres. Both have access to a private terrace at the rear.
- 4.13 Two further apartments are proposed at second floor level. One 2-bed measuring 106 square metres, and one 2-bed measuring 80 square metres. The 2-bed benefits from a terrace to the front and rear.
- 4.14 At third floor level, a 2-bed apartment is proposed in the southern building. The apartment measures 60 square metres and benefits from a large terrace.
- 4.15 Double pitch roofs are proposed to the front and rear, with a simple connecting roofline across the glazed core. The roof profile will be read against the roof profile of Pharos Quay, which is located to the rear of River Road.
- 4.16 The ridge line of the northern buildings is clearly lower than that at number 47. The ridge line of the southern building is also lower.
- 4.17 The materials have been chosen to reflect the history of the site and the surroundings, but also due to longevity, visual qualities, and to ensure the detailed elements of the design are reflected in the built form.

5.0 PLANNING POLICY CONTEXT

- 5.1 This section sets out the planning policies that are considered relevant in the determination of this application.
- 5.2 In determining this application, regard must be paid to the provisions of the DP so far as material to the application, and to “other material considerations¹.” “If regard is to be had to the DP 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 otherwise².”
- 5.3 For the purposes of this application, the DP comprises the following:
- The Arun Local Plan 2011 - 2031 (2018); and
 - The Littlehampton Neighbourhood Plan (NP) (2014).
- 5.4 The National Planning Policy Framework (NPPF) (February 2021) and the National Model Design Code (2021) are “material considerations” for the purposes of section 70(2) of the 1990 Act. Significant weight should be given to the NPPF and the NMDC.
- 5.5 The NPPF cannot displace the primacy given by the statute and policy to the statutory DP. It must be exercised consistently with, and not to displace or distort, the statutory scheme.
- 5.6 Moderate weight should be given to Planning Practice Guidance (PPG) as far as they are consistent with the NPPF.
- 5.7 Moderate weight should also be given to Supplementary Planning Documents (SPDs). SPDs are not subject to the same examination process as a Development Plan Document (DPD). SPDs must not conflict with the adopted DP, cannot supersede DP policy, and are merely material considerations³.

¹ Section 70(2) of the 1990 Act

² Section 38(6) of the Planning and Compulsory Purchase Act 2004

³ High Court of Justice before Mr Justice Gilbert between William Davies Ltd, Bloor Homes Ltd, Jelson Homes Ltd, Davidsons Homes Ltd, Barwood Homes Ltd and Charnborough Borough Council (23 November 2017)

- 5.8 In the determination of this application, we understand the Council should:
- (i) Have regard to the statutory DP (see s70(2) TCPA 1990);
 - (ii) Have regard to material considerations (see s 70(2) TCPA 1990);
 - (iii) Determine the application in accordance with the DP unless material considerations indicate otherwise (see s38(6) PCPA 1990);
 - (iv) Apply national policy unless reasons can be given for not doing so;
 - (v) Consider the nature and extent of any conflict with the DP;
 - (vi) Consider whether the development accords with the DP, looking at it as a whole. There may be some points in the plan which support the proposal, but there may be some considerations pointing in the opposite direction. They must all be assessed, and a decision made as to whether, in light of the whole plan, the proposal does or does not accord with it.
- 5.9 The interpretation of policy is for the Court, but its application in the context of the application is for the decision-maker.
- 5.10 There is no general duty in English law upon public bodies to give reasons for their decision. However, the Courts have recognised many circumstances where procedural fairness requires that reasons should be provided.
- 5.11 In *R (Gare) v Babergh District Council [2019] EWHC 2041*, the High Court quashed a planning permission granted by Babergh District Council on the basis the Council failed to provide sufficient reasons for its decision. In doing so, the Court gave guidance on what constitutes sufficient reasons by a public body for a decision.
- 5.12 The general propositions described by the Court are of wider application to the recording of reasons for public body decisions. Public bodies' reasons for a decision will be sufficient if they are clear enough to allow a reader to understand why that decision was ultimately reached, including any conclusions on "the principal important controversial issues". Although the format of the reasons is not determinative, it will be harder for public bodies to meet the required standard where the reasons are contained in separate documents, which ultimately arrive at different conclusions.

- 5.13 A summary of the relevant local policies is set out at **Appendix 2**. A summary of other material considerations is set out below.

MATERIAL CONSIDERATIONS

- 5.14 A material consideration must serve a planning purpose, this is confirmed by the Supreme Court in *R (Wright) v Resilient Energy Severndale Ltd and Forest of Dean Council* [2019] UKSC 53.
- 5.15 In *Stringer v MHLG* 1971, it is established that in principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case, will depend on the circumstances.
- 5.16 In *R v Westminster CC ex parte Monohan* 1989, it was established that material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned.
- 5.17 It is well established case law that previous planning decisions and appeal decisions are capable of being material considerations⁴.
- 5.18 In *DLA Delivery LTD V Baroness Cumberlege of Newick & Anor* [2018], the Court of Appeal considered whether the Secretary of State for Communities and Local Government erred in law in failing to take into account a recent decision of his own, even though he had not been asked to do so. The Court of Appeal held that he should have done so. Lindblom LJ said at paragraph 34: “the secretary of state had a duty to consider his earlier decision.”
- 5.19 A previous decision is capable of being a “material consideration” under section 70(2) of the TCPA 1990. In addition, the PPG on “Determining a Planning Application” (15 March 2019) states at (paragraph [10]):

“The planning history of a site may be a relevant consideration in the determination of an application...”

⁴ *R (on the application of Davidson) v Elmbridge BC* [2019] EWHC 1409 (Admin)

5.20 It is noted that an LPA is not bound to follow a previous decision they have made, and there exists the discretion to exercise judgement in relation to the matter. However, to the extent that the facts are similar, an LPA should give reason for any departure from a previous decision, in order to ensure consistency in the decision-making process.

5.21 This means the council should be consistent in their assessment, and if the council is minded to grant permission, should give clear reasons for departing from the previous decision.

5.22 This principle was made clear in *North Wiltshire District Council v Secretary of State for the Environment and Clover [1992]* in which it was stated by LJ Mann:

“It was not disputed in argument that a previous appeal decision is capable of being a material consideration [...] One important reason why previous decisions are capable of being material, is that like cases should be decided in a like manner, so that there is consistency in the appellate process. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system.”

5.23 If a previous decision is distinguishable, it will usually not be material by reference to the principle of consistency, unless it happens to be material in some other way. In other words, if a previous decision is indistinguishable, then it usually will be a material consideration. That said, it is acceptable if a subsequent decision-maker disagrees with an earlier decision which is material, and it is drawn to his/her attention, provided that explanation/reasons are given for so departing, and regard has been had to the principle of consistency⁵.

5.24 It is considered the following comprise material considerations in the determination of this application:

- Decision notice dated 11 December 2020 (LPA Ref: LU/247/20/PL). It confirms the reasons why the previous application was refused and the basis of the case officer's assessment.

⁵ *DLA Delivery Ltd v Baroness Cumberlege of Newick [2018] EWCA Civ 1305*

- Pre-application advice dated 21 April 2021 (LPA REF: PAA/17/21) and email dated 1 June 2021.
- The NPPF Draft text for consultation (2020).
- Consultation Draft National Model Design Code (30 January 2021).
- Consultation Draft Guidance Notes for Design Codes (30 January 2021).
- Living with Beauty - promoting health, well-being and sustainable growth (Building Better Building Beautiful Commission) (January 2020).
- National Design Guide (NDG) (October 2019).
- National Planning Policy Framework (NPPF) (February 2019).

NATIONAL DESIGN GUIDE (NDG) (2019)

- 5.25 Well-designed buildings should last for many years. Paragraph 4 sets out that the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. The NDG outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics.
- 5.26 The NDG is used to inform development proposals and their assessment by local planning authorities. The NDG is supported by paragraph 130 of the NPPF, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.27 Paragraph 16 states:
- “Well-designed places and buildings come about when there is a clearly expressed ‘story’ for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new**

approached to contrast with, or complement, its context. This ‘story’ will inform and address all ten characteristics.”

5.28 Paragraph 21 sets out that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. The right choices should be made at all levels including:

- The layout (or masterplan).
- The form and scale of buildings.
- Appearance.
- Landscape.
- Materials.
- Detailing.

5.29 Paragraph 35 sets out that well-designed places have individual characteristics which work together to create its physical character. Ten characteristics are identified as follows:

1. Context - enhances the surroundings.
2. Identity - attractive and distinctive
3. Built form - a coherent pattern of development.
4. Movement - accessible and easy to move around.
5. Nature - enhances and optimised.
6. Public spaces - safe, social and inclusive.
7. Uses - Mixed and integrated.
8. Homes and buildings - functions, healthy and sustainable.
9. Resources - efficient and resilient.
10. Lifespan - made to last.

- 5.30 Paragraph 168 sets out that in the absence of local design guidelines, local planning authorities are expected to defer to the illustrated NDG and National Model Design Code (NMDC). The NMDC has not been published.

DESIGN: PROCESS AND TOOLS (MARCH 2014)

- 5.31 The Government guidance provides advice on the key points to be taken into account on design. The guidance should be read alongside the NPG and NPPF.
- 5.32 Paragraph 005 sets out that local design guides are prepared by local planning authorities and neighbourhood planning groups to set out the general design principles and standards that development proposals should follow in the area, building on policies in the development plan.

- 5.33 Paragraph 009 states:

"Pre-application discussions are an opportunity for prospective applicants and the local planning authority to discuss the intended approach to a site and how design policies and guidance need to be applied. Giving authorities the opportunity to inform and influence the design of a proposed development early in the design process is more efficient than trying to implement suggested revisions at a later stage, particularly if this relates to a major proposal. In providing pre-application advice, the local planning authority may draw upon its own appropriately skilled and experienced staff, external consultants or design review panels."

- 5.34 Paragraph 012 states:

"Design and Access Statements set out the narrative for the design approach and design rational for the scheme. They demonstrate how the local character of an area has been taken into account and how design principles will be applied to achieve high quality design. They set out concisely how the proposal is a suitable response to the site and its setting, taking account of baseline information."

- 5.35 Paragraph 015 states:

"The design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is

implemented. In some cases, local planning authorities may wish to encourage design details to be agreed as part of the initial permission, so that important elements are not deferred for later consideration. It can also be important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality.

Local planning authorities can consider a strategy to maintain the original design intent and quality of significant schemes, such as by encouraging the retention of key design consultants from the planning application team and using design review at appropriate intervals. Site inspections to verify compliance with approved plans and conditions are important.”

5.36 Paragraph 017 sets out that design review is an independent assessment of development proposals by a panel of multidisciplinary professionals and experts, which can inform and improve design quality in new development.

5.37 The paragraph goes onto state:

“Design review is most effective when applied at the earliest stage of design development. It can be followed up at further stages as projects evolve, including pre-application and are implemented, referencing and building upon recommendations made in previous design reviews.”

5.38 The following section provides an assessment of the proposals against the provisions of the DP, and other material considerations where they are considered relevant.

6.0 CASE FOR DEVELOPMENT

6.1 We set out an assessment of the tests identified at paragraph 1.5 against the provisions of the DP and other material considerations below. Evidence is submitted in support of this application to confirm inter alia:

- Riverside Motors occupy the building on a tenancy agreement. The owner of Riverside Motors is self employed retiring. As the only employee, it will result in one job loss and the closure of the business.
- The building is beyond economic repair.
- The proposed scheme will enhance this part of the CA.
- No harm will arise to protected species - specifically Bats and Owls - as a result of demolition work.
- The proposal complies with policy ECC SP1 in respect of flood risk.
- The scheme is of a high quality, designed by a well respected and experienced residential architect.

IS THE PARTIAL DEMOLITION OF THE BUILDING AND WALL ACCEPTABLE?

6.2 The existing building is listed as a non-designated asset, and is listed as a building or structure of character in the council's 'Buildings or Structures of Character' Supplementary Planning Document (SPD) (2005). The building is located in the River Road CA.

6.3 Paragraph 040 of the NPPG states that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. It further states it is important that the decision to identify them as non-designated heritage assets are based on sound evidence. The Council's Conservation Area Officer has been consulted as part of the pre-application process and has provided favourable feedback on this revised scheme (**Appendix 1**).

6.4 Paragraph 194 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and significance of the heritage asset.

6.5 Number 57 does not have statutory protection. The test established by recent case law is therefore different from that which concerns a designated heritage asset. We understand that the council is required to consider the application as a whole, not merely the proposed demolition, but also the quality of the replacement building. The council is then required to make a balanced judgement. Pre-application advice confirms that the council consider the proposed scheme to have been designed to a high quality (**Appendix 1**)

6.6 Policy HER SP1 states that non-designated heritage assets and buildings or structures of character and their settings need to be conserved or enhanced in a manner appropriate to their significance and contribution to the historic environment.

6.7 Policy HER DM2 states:

“Applications will only be granted for development which results in the loss of...Structures of Character, when it can be demonstrated that the buildings or structure cannot be put to a beneficial use or re-use. Replacement structures will need to be of a high quality design.”

6.8 Policy HER DM3 states inter alia:

“Within Conservation Areas, permission for development involving demolition or substantial demolition will only be granted, subject to conditions, if it can be demonstrated that:

(g) the structure to be demolished makes no material contribution to the special character or appearance of the area; or

(h) It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial reuse; or

(i) It can be demonstrated that the removal of the structure and its subsequent replacement would lead to the enhancement of the area; and

(j) Permission has been granted for the redevelopment of the site.”

6.9 Drawing numbers 1908_P_160 Rev.2 and 1908_P_161 Rev. 1 confirm the extent of proposed demolition work.

6.10 Pre-application advice confirms that the council consider the existing building to be a crucial dimension to the sense of place and local history. Notwithstanding this, the advice states:

“It is considered that the loss would be harmful to the local character of the conservation area, however, it is thought that the loss of the building could be considered acceptable as a result of issues related to its lack of structural ability to tolerate conversion.”

6.11 In accordance with policy HER SP1, the demolition work and proposed scheme reflects neighbouring development. It is proposed to retain the front facade, and redevelop land behind and to the side. The applicant welcomes a pre-commencement condition preventing any demolition work until a programme for recording the building has been agreed with the council. The record can be placed on the Historic Environment Record. The applicant is also willing to provide a board, summarising the building record, so that it can be displayed.

6.12 Policy HER DM2 supports the loss of the building in its entirety where it can be demonstrated that the building or structure cannot be put to a beneficial use or re-use. The policy goes on to state: 'there may be circumstances where the public benefit from the proposed development outweighs any proposed harm.'

6.13 It is not proposed to remove the building in its entirety. It is considered that in retaining the front facade, the integrity of the street-scene will be preserved. The Heritage statement addresses the policy test in the context of the guidance set out in the NPPF 2021.

6.14 The site and remaining structure will be put to a beneficial residential use. Pre-application advice confirms that the council is not meeting its 5-year housing land

supply. The proposed scheme provides 6 high quality residential apartments, which is considered a public benefit, which outweighs any harm identified.

6.15 Policy HER DM3 is a criteria based policy, which controls demolition within a CA. In accordance with criterion (h) the evidence submitted in support of this application confirms that the existing structure is wholly beyond viable economic repair or beneficial reuse. In addition, and to meet the provisions for criterion (i) it can be demonstrated that the replacement building will lead to an enhancement of the area.

6.16 The final part of policy HER DM3 requires alterations and extensions of buildings on the Local List to relate sensitively to the building or structure, its setting and respect its architectural, landscape or historic interest. The paragraph states:

“The Local Planning Authority will seek to preserve features of such buildings which contribute to that interest.”

6.17 The proposed scheme retains the front elevations of the buildings, which as demonstrated on neighbouring buildings, will preserve the historic integrity of the street scene.

6.18 The Heritage statement addresses the specific provisions of policy HER DM3 in the context of the revised scheme and the supporting condition report and marketing report confirm why the building is beyond viable economic repair or beneficial reuse.

IS THE LOSS OF EMPLOYMENT AND CHANGE OF USE TO PROVIDE A RESIDENTIAL SCHEME ACCEPTABLE?

6.19 Pre-application advice confirms that the site is located within the built up area boundary, where residential development is considered acceptable in principle, subject to detailed design. The site is also located within an Economic Growth Area.

6.20 Policy EMP DM1(2) protects existing employment sites and premises where there remains a reasonable prospect of employment use. Criterion (a) requires the applicant to demonstrate that the site is no longer required and is unlikely to be re-used or re-developed for industrial/commercial purposes. In accordance with policy EMP DM1(2)(a) the applicant sought clarification from the council on a methodology at the pre-application stage.

- 6.21 Pre-application advice confirms that the council agree that the long term refurbishment of the site for commercial use is not commercially or financially viable. The council has confirmed that the applicant needs to demonstrate that the loss of the existing employment use is not required in the short term, which has been defined as ‘within the next year.’
- 6.22 To confirm that the site is not required for the existing employment use in the short term, an affidavit is attached at **appendix 3**. The affidavit confirms that the owner of Riverside Motors is due to retire, and that upon retirement, the business will close. In order to rent the building out to another business, of which there is no known interest, the building would need to be repaired, and for insurance purposes, bought up to current building control standards. The extent of work required is so substantial it makes it economically unviable for the owner to undertake.
- 6.23 The condition report and marketing report submitted in support of this application clearly demonstrate that the site is no longer required in its current use and is unlikely to be required in an alternative use in the short or long term.

**IS THE PROPOSED SCHEME ACCEPTABLE WITH REGARD TO DETAILED DESIGN
AND DOES THE PROPOSED SCHEME PRESERVE AND ENHANCE THE CHARACTER
AND APPEARANCE OF THE CA AND HERITAGE ASSET, INCLUDING ITS SETTING?**

- 6.24 Due to the location of the site in the CA, the council has a statutory duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay ‘special attention’ to the desirability of preserving or enhancing the character or appearance of the CA. Pre-application advice confirms that the revised proposal meets the objectives of s72, and complies with policies HER SP1, HER DM3 and HER DM2. The pre-application advice states:

“It is acknowledged that the site and the building are both in a poor state of repair which detracts from the vernally positive nature of the conservation area, when taken as a whole. It is considered that the redevelopment of this site offers the opportunity to improve this part of the conservation area, which is positive.”

- 6.25 Pre-application advice confirms that the proposed concept of splitting the building in two, joined centrally with a glazed area, is a positive approach. The advice states:

“It allows some of the existing space between the buildings to be retained. It also replicates the spaces between the other buildings along this side of the street. Likewise the use of pitched roofs is also positive and reflected in buildings in the local area. The modern design elements also reflect those of the neighbouring buildings, which also incorporates some elements of the former warehouse.”

- 6.26 Pre-application advice also confirms that the revised design, which steps the southern block down towards the adjacent locally listed buildings, is a positive feature of the proposal. The advice states:

“If carefully detailed and high quality materials are used, I am of the opinion that the development would reflect the recently built adjoining terrace and the character/appearance of the conservation area when taken as a whole.”

- 6.27 Following receipt of the pre-application advice, consideration was given to increasing the gap between the southern building and the neighbouring non-designated heritage asset (49 River Road). The scheme has been revised to show an increase in separation of half a metre. This has been achieved by slightly reducing the space between the southern and northern wings (i.e. by 0.3m); and reducing the width of the southern block by some 0.2 metres.
- 6.28 Consideration was given to using the space behind the lift shaft, but the lift and stair core is designed to be fully glazed. This is to ensure it is as transparent as possible in order to maintain the sense of space between the blocks and views through to the riverside. Utilising the space will compromise this space. The proposed narrowing of the gaps is the preferred design option, and is reflected in the proposed drawings.
- 6.29 In our view the proposed scheme responds and relates positively to the site, the existing building, and neighbouring properties. The site is situated within a strong established line, and the proposed building, which includes the retention of the front facade will sit comfortably within the frontage. In this regard, the proposed scheme exhibits the positive characteristics which are of importance in defining the significance of this part of the CA. The scale of the proposed building is not uncharacteristic or harmful to the character or appearance of the CA or street scene.

6.30 The proposed scheme will not have any significant visual impact in the context of the CA given the clear variety of other examples. In our view the proposed scheme will not appear obtrusive or uncharacteristic in appearance.

6.31 Paragraph 50 of the NDG states:

“Well-designed placed, buildings and spaces:

- **Have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;**
- **Have a character that suits the context, its history, how we live today and how we are likely to live in the future; and**
- **Are visually attractive, to delight the occupants and other users.”**

6.32 In accordance with paragraph 50 of the NDG, and paragraph 126 of the NPPF, the proposed scheme accords with, and is sympathetic to, local character and history, including the surrounding built environment and landscape setting. The detailed design is of a high quality and meets the provisions of policies HER DM2 and HER DM3.

IS THE PROPOSED SCHEME ACCEPTABLE WITH REGARD TO THE RESIDENTIAL AMENITY OF ADJACENT BUILDINGS AND OCCUPIERS AND FUTURE OCCUPIERS OF THE HOST BUILDING?

6.33 In accordance with policies D DM1 and D DM2, the proposed scheme provides large functional amenity areas for future occupiers. The proposed internal gross floor areas also exceed the Nationally Described Space Standards and external amenity areas.

6.34 The proposed scheme has been designed to protect the amenity of the occupiers of adjacent residential buildings. Due to the orientation of the proposed building and separation distances, no significant and detrimental impact will arise to the amenity of neighbouring buildings.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 The proposed scheme meets the provisions of local and national policy.
- 7.2 Evidence is set out to justify the partial demolition of the existing building rather than conversion - the Heritage Statement sets out clear and convincing justification for the partial demolition in accordance with the NPPF 2021.
- 7.3 The design has been informed by objective and subjective analysis of the site and surrounding area. The proposed scheme will enhance this part of the CA and not harm the setting of the adjacent heritage asset.
- 7.4 The loss of the employment use is inevitable, as the current occupier is retiring and the building cannot be occupied by a new user without substantial and costly work, which is not financially viable. Evidence is submitted to confirm this position.
- 7.5 The proposed scheme can be delivered without risk from flooding to development and future occupants.
- 7.6 We respectfully contend that the proposed scheme meets the provisions of policies of the DP, specifically those cited on decision notice dated 11 December 2020. Notwithstanding this, we welcome comments from the council following the end of the statutory consultation period and the opportunity to address any through the submission of additional information if required.
- 7.7 On the above basis, we respectfully request that the council considers the proposal favourably, and grants planning permission without delay.

APPENDIX 1:

APPENDIX 2:
Relevant Development Plan Policy

APPENDIX 3: