

Recommendation Report for Planning Permission

REF NO: LU/263/21/PL

LOCATION: Land at Unit 4 Hawthorn Road
Hawthorn Road
Littlehampton
BN17 7LT

PROPOSAL: Construction of a two-storey office building (Use Class E). This application is in CIL Zone 2 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The new building sits on a part of the site that is predominantly grassed in the south western corner. It will be 5.5m to the eaves and 7.36m to the highest point of the roof. It will be designed in a similar style as the existing building but will be higher. Part office, part storage at ground floor with all office at first floor. The site plan shows the location of cycle racks on the front of the building and refuse arrangements as per the existing for the flats (in the north west corner). The plans show a total of 36 marked out parking spaces.
SITE AREA	0.4606 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There is a row of small trees on the west boundary which may be affected in part but these are not considered worthy of protection.
BOUNDARY TREATMENT	The site is open plan to its front elevation with timber fencing to the north (approx. 1.8m) and east (greater than 2m) and a low wire fence plus row of small trees to the west.
SITE CHARACTERISTICS	The site is occupied by a large vacant commercial unit (single storey) which is being converted to residential. There is parking on two sides of the building. Access is via Hawthorn Road which connects to the A259 a short distance to the east.
CHARACTER OF LOCALITY	The area is populated by predominantly commercial/industrial units. There is a large Morrison's supermarket adjacent to the east and then industrial development (including a compacting unit) in the B2 use class to the west. Good tree screening between the site and the A259 to the south.

RELEVANT SITE HISTORY

LU/7/19/PD	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3) to provide 30 self-contained	Objection 18-03-19
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flats (14 studios & 16 one-bed flats)

Appeal: Allowed+Conditions
25-09-19

LU/286/18/PD	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3) to provide 30 self-contained flats (14 studios & 16 one-bed flats)	Objection 04-12-18
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LU/7/19/PD allowed the conversion of the former office building on the site to 30 flats. A condition was imposed requiring acoustic insulation be installed and all windows be fitted with mechanical ventilation.

REPRESENTATIONS

Littlehampton Town Council object - In sacrificing parking spaces, there would be inadequate parking provision for the occupants of the adjacent flats.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parking is considered in the report conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection subject to conditions.

- No significant increases in vehicle movements. Trips by other modes would be low and accommodated within existing infrastructure;
- The approach to parking is in principle accepted as peak demands for residential and office uses occur at different times;
- Having all parking as unallocated increases the flexibility in terms of how the spaces can be used;
- The transport note only considers parking against the WSCC Parking Demand Calculator rather than the Arun DC Parking Standards; and
- Additional parking can occur in the site and overspill parking could occur along Hawthorn Road which is unadopted and any controls on parking would be privately managed.

WSCC FIRE & RESCUE - Request a fire hydrant condition as the nearest Hydrant to the site is 270m away and the supply of water for firefighting for a commercial premises should be within 90m.

ADC DRAINAGE ENGINEERS - No objection. State that due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary (BUAB);
Current & Future Flood Zone 1; and
CIL Zone 2.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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. Policy 2 of the Littlehampton Neighbourhood Development Plan is relevant and is considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that office development is appropriate in this built up location and there will be no materially adverse effect on character/visual amenity, residential amenity, biodiversity, climate change objectives or highway safety.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, the South Inshore & South Offshore Marine Plan and the Littlehampton Neighbourhood Development Plan ("LNDP").

The site lies in the built up area boundary where development is acceptable in principle in accordance with ALP policy SD SP2 provided it accords with other policies of the development plan covering such issues as character/design, highway safety/parking, biodiversity, climate change and residential amenity.

Paragraph 123 of the NPPF states local planning authorities should take a positive approach to applications for alternative uses of land which are currently developed but not allocated for a specific purpose in plans. The site is not in the town centre or the wider Littlehampton economic growth area and is not subject to any policy designations.

ALP policy EMP DM1 (4) directs office development to the town centres but does not prevent such development elsewhere. This is an existing commercial/industrial location and so is suitable for new economic development. LNDP policy 2 states future economic development will be concentrated in the built up area boundary.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

There are no alterations to the access arrangements which are shared with the residential flatted building and the industrial buildings at the end of Hawthorn Road to the west. WSCC Highways raise no objections in respect of access or safety. The site is in easy reach of nearby population areas and employees can access the site by foot, cycle or bus.

The Arun Parking Standards SPD sets out a maximum requirement of 11 car parking spaces for the

proposed office building. The residential parking requirement for LU/286/18/PD was not assessed in detail and rather the officer report stated that "as the offices provided 50 spaces, there is ample parking provided for within the development".

LU/286/18/PD was determined prior to the adoption of the Parking Standards SPD and the requirement according to the WSCC Parking Demand Calculator in use at the time, was 36 spaces. Although the requirement under the current Parking Standards is much greater (66 spaces), this is immaterial as the residential conversion is not being reassessed. LU/286/18/PD was not accompanied by a parking plan and so this new application does not conflict with the particulars of that decision.

The site has 36 marked out parking spaces but there is space in the site (opposite bays 1-21) to accommodate at least 8 further cars parked end to end (this area is 50m long) resulting in on-site provision of 44 cars. In addition, if required, there is space on the Hawthorn Road frontage as the road here is approx. 7.4m wide and so parking on the frontage would still leave a carriageway of 5m width. Hawthorn Road is private so this would require agreement from the landowner.

The total parking requirement for the whole site based on the standards in use at the respective time is 47 and whilst there is a shortfall of 3 spaces, this could be met by the space along the road frontage (subject to agreement). Nevertheless, the applicant is proposing to not allocate any of the spaces and so the spaces can be shared between both uses. There would be peaks in parking for the office building during the working week (day-time) whilst the peaks for the residential uses would take place during the evening, night-time and weekend. Both uses can therefore coexist without resulting in any parking shortfall or conflicts.

The SPD sets out standards for cycle parking and requires at least 3 cycle spaces. It is proposed to secure this through condition. The proposal accords with ALP policies T SP1 & T DM1 and the NPPF.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The Arun Design Guide states that new buildings must be informed by the characteristics of the site and surrounding buildings.

The building take its cues from the existing former office building and proposes a building of a similar shape and design. Although the existing building does not represent high quality design and so an argument could be made not to replicate this, it is material that the new building will be very close to the existing, will be read as an extension from certain viewpoints and so a matching design would therefore be appropriate. It is material that this is a commercial/industrial location and is relatively hidden from nearby public viewpoints. It is proposed to use materials to match the existing but a condition will be imposed to require the approval of the exact materials to ensure this.

The proposal complies with the relevant development plan policies and the Arun Design Guide.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Although the Arun Design Guide sets out guidance on interface distances between habitable rooms, these are intended for residential to residential situations (not office to residential).

The north east corner of the proposed building will be only 3.75m from the south west corner of the

residential building. However, no windows are proposed in the ground floor of the northern elevation therefore there will be no overlooking between the office and the residential windows.

The new office building may have an overbearing impact on the bedroom of a new 1 bedroom flat in this corner. However, it is material that this flat has a continuous strip of windows across the whole of its elevations (so whilst the south facing bedroom windows will be affected, the west facing windows will not be) and that the bedroom is only 7.69m² in area - so it is unlikely that occupants will use it for purposes other than for sleeping. The harm is considered to be very minor and on balance, there is no conflict with the relevant policies.

The new office building will also result in light loss/shading when the sun is in the southwest & west but this will only affect the same flat and then only its bedroom, bathroom (both considered secondary windows) and some of its south facing living area windows (but with others in this room unaffected or less affected). There will be some harm from this but it will only occur at a particular time of day and on balance, it is judged that the proposal will be acceptable and in accordance with the relevant policies.

The office building is unlikely to result in any noise disturbance to the flats due to the nature of work undertaken (computing, paperwork, phone calls, meetings) and as it is a type of use that is appropriate in a residential area. However, in any case, due to the presence of the nearby noisy industrial units, the appeal decision specified that the flats must be fitted with acoustic insulation and mechanical ventilation (thus allowing windows to stay shut). The proposal is therefore in accordance with ALP policies D DM1 & QE SP1.

BIODIVERSITY:

ALP policy ENV DM5 requires development schemes achieve a net gain in biodiversity. The application is silent on this issue so a condition will be imposed to secure new bird nesting boxes on the building. There is only limited space for new landscaping and any new tree planting would be at the expense of amenity space for the flats so no landscaping condition is proposed. The new bird boxes will ensure that there is no conflict with the relevant policy.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development including conversions and changes of use be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. The application is silent on this policy requirement. However, a condition can be imposed to secure details of energy efficiency measures and this will ensure compliance with the policy. A condition will also be imposed to require the provision of electric charge points at the site.

SUMMARY:

This proposal is appropriate for the built up location and will not cause demonstrable harm to highway safety, character, residential amenity, biodiversity or climate change objectives. It does not cause any conflicts with the approved residential conversion scheme concerning the existing office building. Therefore, it is recommended that permission be granted in accordance with the following conditions. Whilst not mentioned in the report above, a condition will be imposed to require superfast broadband in the building in accordance with ALP policy TEL SP1.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

"Site Location Plan" Dwg No SLP01;
 "Proposed Block Plan" Dwg No BP02;
 "Proposed Floor and Roof Plans" Dwg No P01;
 "Proposed Elevations" Dwg No P02;
 "Proposed Elevations (North and South)" Dwg No P03; and
 "Proposed Elevations (East and West)" Dwg No P04.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies EMP DM1, T SP1 and D DM1 of the Arun Local Plan.

- 3 The office building shall be used for class E(g)(i) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of nearby residential properties and to maintain appropriate parking provision in accordance with Arun Local Plan policies QE SP1, T SP1 and D DM1.

- 4 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 No development above damp-proof course (DPC) level shall take place unless and until details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any part of the office building forming part of the approved development, the developer shall at their own expense install the required fire hydrant in the approved location to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 6 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until full details of the placement of two bird boxes on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 8 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all

times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Arun Local Plan policy T SP1 and the Arun Parking Standards SPD.

- 9 No part of the building shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The details so approved shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car for employees in accordance with Arun Local Plan policy T SP1 and the Arun Parking Standards SPD.

- 10 Prior to the occupation of any part of the approved building, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the parking spaces associated with the use shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition. The current standards require EV charging points in 20% of parking spaces (rising to 30% in 2023).

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 11 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To future proof the proposed office space in accordance with Arun Local Plan policy TEL SP1.

- 12 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.