

Recommendation Report for Planning Permission

REF NO:	LU/29/26/PL
LOCATION:	25 River Road Littlehampton BN17 5BZ
PROPOSAL:	Demolition of existing garage/offices with associated hard standing and construction of 2 No residential building comprising of 3 No one bedroom houses and 1 No two bedroom house. This application affects the character and appearance of the Littlehampton (River Road) Conservation Area and is in CIL Zone 4 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of the building and redevelopment with 2 no. residential buildings comprising 3 no. one bed houses and 1 no. two bed house.
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The buildings will be accessed from River Road and Terminus Place respectively. Four parking spaces are to be provided (accessed from Terminus Place) and there will be cycle storage.

This is a resubmission of LU/205/22/PL, albeit with the following changes:

- The previous application proposed 4 flats: 2 no. 1 bedroom flats and 2 no. 2 bedroom flats.
- Parking was to be provided at basement level; the spaces are now to be surface spaces.
- The orientation of the roof of the property fronting River Road has been altered by 90 degrees.
- The garage has now been demolished, such that this aspect of the application is retrospective. Notably demolition occurred after the expiry of application LU/205/22/PL.

SITE AREA 0.0356 hectares.

RESIDENTIAL DEVELOPMENT 112 dwellings per hectare.
DENSITY

TOPOGRAPHY Predominantly flat.

BOUNDARY TREATMENT	Approx. 2m high boundary walling on Terminus Place to the rears of 1 & 2 Cyprus Villas. Painted flint walling to the rear of the workshop.
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SITE CHARACTERISTICS	Site now vacant and cleared. Pre existing site had a vacant single storey purpose-built garage, formerly used as a car mechanic workshop. It had a shallow pitched roof with cream painted rendered elevations. Vehicular access on both River
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CHARACTER OF LOCALITY	Road and Terminus Place. Mainly residential area comprising a mix of dwelling heights, design, and style. Those fronting River Road are predominantly traditional style terraced and semi-detached dwellings. To the rear in Terminus Road are more modern flats. There is a modern 3 storey purpose-built block of flats to the north of site (Arun Court), with 4/5 storey development beyond and fronting Terminus Road. Nos. 1 & 2 Cyprus Villas to the south and east of the site.
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RELEVANT SITE HISTORY

LU/205/22/PL	Demolition of existing car garage (B2) and the erection of 2no. residential buildings comprising 4no. flats (C3) with associated works (resubmission of LU/151/21/PL). This application affects the character and appearance of the Littlehampton (River Road) Conservation area and is in CIL Zone 4 (zero rated) as flats.	ApproveConditionally 29-09-22
LU/151/21/PL	Demolition of existing car garage and the erection of 2 no. two-storey residential buildings comprising 5 no. flats with associated works. This site affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.	Refused 12-10-21
LU/126/19/PL	Demolition of the existing garage building (B2 industrial use) and redevelopment of the site providing 9no C3 residential units - This application affects the character and appearance of River Road Conservation Area.	Appeal: Dismissed 12-12-22 Refused 27-09-19

LU/205/22/PL has expired without implementation.

REPRESENTATIONS

Littlehampton Town Council - Objection.

- Welcome the development of the site which had been in poor condition for a long time.
- Overdevelopment because it would adversely affect the area's parking, which is already limited, and due to the lack of external garden amenity space.
- Issues regarding Flood Zone 3 requires resolution.

1 letter of objection raising the following issues:

- Underground parking is not in character.
- Overdevelopment.
- Loss of light to surrounding dwellings.

1 letter of support raising the following comments:

- In keeping with the rest of River Road due to building levels which have been accepted elsewhere in road.
- Parking in Terminus Place acceptable.
- Concerns regarding non obscured window at side of 1 bedroom building, allowing views into kitchen, bedroom windows and garden.
- Demolition completed and neighbouring garden has been damaged and left completely exposed.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Town Council and objector are noted, and the objections are considered in the conclusions section except as discussed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - Objection.

- The development is not suitable for Flood Zone 3b (functional floodplain).
- It falls into the "More Vulnerable" category under NPPF Annex 3 and Planning Practice Guidance confirms that More Vulnerable development is not permitted in this flood zone.
- The proposal is contrary to the NPPF and NPPG.

WSCC HIGHWAYS - No objection subject to conditions.

- Raised no highway objections under application LU/205/22.
- The proposal includes 4 parking spaces accessed directly from Terminus Place. Although reversing onto the highway is not ideal, this already occurs with the current use. Residents are likely to reverse into spaces and exit in forward gear, improving safety.
- The existing garage use likely generated more frequent and complex vehicle movements than the residential use.
- The site is in a highly sustainable location close to the town centre and amenities.
- WSCC concludes the development would not have an unacceptable or severe impact on highway safety or the road network (NPPF para. 115).

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions.

- Contamination condition requested.

ADC DRAINAGE ENGINEERS - Objection.

- Has not demonstrated a suitable discharge location, interception features, extreme rainfall and flooding, water quality, amenity or biodiversity.
- Has not demonstrated the flooding will not increase on site or elsewhere.

ECONOMIC DEVELOPMENT - No comments to make.

ADC CONSERVATION OFFICER - No harm.

- The conservation area is predominantly residential, so changing the use from commercial to residential

will not harm local character.

- The garage building does not positively contribute to the street scene and currently detracts from the conservation area. Its removal and redevelopment would enhance the area, subject to high quality replacement design.
- The buildings should follow the established pattern, with frontages facing River Road and Terminus Place in keeping with neighbouring properties.
- The River Road building positively reflects local character through its two-storey form, pitched roof, render finish and sash windows.
- The Terminus Place building reflects the smaller scale of nearby properties, with traditional style casement windows and a sympathetic material palette.
- The success of the scheme depends on high quality traditional materials and detailing, including timber windows/doors and natural slate or clay tile roofs. Windows must be deeply recessed, with functioning traditional sliding sashes; doors should be timber with simple hoods.
- All materials, colours and joinery details should be secured by condition, supported by scaled drawings and detailed cross sections.

CONSERVATION AREA ADVISORY COMMITTEE (CAAC) - Object.

- Agree that replacing the garage with an appropriate new scheme would enhance the conservation area. Serious concerns about the roofing materials and certain design details.
- Traditional roofing in the area is natural slate or plain clay tiles; concrete interlocking tiles (like Redland 49) are considered bulky, inappropriate and harmful. Concrete tiles weather poorly compared to natural materials and detract from the conservation area's character.
- The NPPF encourages new development to better reveal heritage significance, and natural slate is an important part of this area's historic riverside character. Object to the use of concrete tiles and state that natural slate should be required.
- Welcome the continuous domestic frontage on River Road and the effort to reflect traditional window patterns.
- Windows and doorways need deeper recesses, and doorways would benefit from simple hoods to match local detailing. Windows must be vertically sliding timber sashes to reflect traditional design.
- On the Terminus Place frontage, the design would benefit from a break in the wall plane where the roof height changes.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary.

Predominantly Flood Zone (FZ) 3b with some FZ2 at the northern end.

Entirely FZ3 by 2061.

Littlehampton (River Road) Conservation Area.

Littlehampton Growth Area.

Within 2km of the Clymping Site of Special Scientific Interest; and

CIL Zone 4.

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM5	ENV DM5 Development and biodiversity
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM2	W DM2 Flood Risk
WSP1	W SP1 Water

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
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
SPD2	Conservation Areas

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. Relevant policies of the Littlehampton Neighbourhood Development Plan have been referred to in this determination.

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 would not comply with the Development Plan in that a more vulnerable form of development is proposed in an area of Flood Zone 3b and no formal surface water drainage design has been provided. The development would be at risk and could be the cause of significant flooding events on site and elsewhere and would not be safe for its lifetime. The proposal overshadows and is overbearing of neighbouring residents.

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 will not result in any harm to the Conservation Area.

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.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

It has no biodiversity value in its current state.

CONCLUSIONS

PRINCIPLE

The site lies in the built-up area boundary (BUAB) where residential development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and policies 1 & 2 of the Littlehampton Neighbourhood Development Plan (LNDP). The proposal is acceptable provided it is in accordance with other policies of the ALP covering such issues as flood risk, biodiversity, heritage, design, highway safety/parking, residential amenity, space standards, pollution, and climate change.

LNDP policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site. The proposal would accord with this policy. Policy 2 concentrates future housing within the BUAB of Littlehampton and the proposal accords with this policy.

The Council published its Authority Monitoring Report (AMR) for 2024/25 and this shows the Housing Land Supply (HLS) is 3.23 years. When the authority cannot demonstrate a 5Y HLS, para 11 (d) states that permission should be granted unless parts (i) or (ii) are applicable. In this instance part (i) is applicable. This states that in applying policies in the NPPF that protect areas or assets of particular importance provides a strong reason for

refusing the development proposed. Footnote 7 include the specific area which include designated heritage assets and areas at risk of flooding. The site is located in a Conservation Area and is in Flood Zone 3b.

Should the relevant paragraphs of the NPPF not provide a strong reason for refusal, the the application would fall to be determined under 11(d)(ii); where refusal should only occur when any adverse impacts arising would significantly and demonstrably outweigh the benefits when considering the NPPF as a whole.

This will be discussed further at the end of the report.

LOSS OF EMPLOYMENT FLOORSPACE

The site was in use as a vehicle garage (Use Class B2), but the unit has been vacant for several years and has been demolished. ALP (ALP) Policy EMP DM1 seeks to protect and enhance existing employment sites to maintain a supply of good-quality commercial premises. The site lies within the Littlehampton Economic Growth Area, where policy EMP SP2 encourages development that safeguards the Harbour and appropriately addresses matters such as flood risk, contaminated land, access, and nature conservation.

Changes of use away from business and industrial uses are not generally supported unless it can be demonstrated that the site has no reasonable prospect of continued employment use, or that its use results in environmental or amenity impacts that cannot be satisfactorily mitigated. Evidence is required to show that the site has not been intentionally made unviable, has been actively marketed for a reasonable period, and that alternative employment uses have been fully explored.

Although not resubmitted with this application, the previous application included marketing evidence confirming the site had been marketed since February 2018 with no interest for employment uses. Given the long period of vacancy and the lack of market demand, it is considered that the site is no longer viable for continued industrial or commercial use.

On this basis, the proposal accords with EMP DM1, as the former garage use is demonstrated to be unviable. It aligns with EMP SP2 by enabling the redevelopment of the site for a less contaminating use, while matters relating to flood risk and biodiversity are considered elsewhere in this report. A Flood Risk Assessment has been submitted; however, the Environment Agency has objected due to an incorrect vulnerability classification within Flood Zone 3b.

DESIGN AND CHARACTER

ALP policies D SP1 and D DM1 require development to use land efficiently and to reflect or enhance local character. Relevant design guidance is contained in Parts G, H and P of the Arun Design Guide. The proposal is largely unchanged from the 2022 approval, with only minor amendments previously identified.

The ADG indicates an urban density of 60-100 dwellings per hectare; the proposed density of 112 dwellings per hectare is only marginally higher and acceptable in this highly accessible urban location. The former garage, already removed, was a utilitarian single storey structure of industrial character that detracted from the Conservation Area. Its loss results in an overall enhancement of the area.

The scheme introduces two residential buildings. Building 1, fronting River Road, is a two storey structure containing two one bedroom dwellings. Building 2, fronting Terminus Place, is part two storey and part 1.5 storey, containing one two-bedroom and one one bedroom dwelling. Both are to be finished in white render. Four parking spaces will be positioned to the open frontage on Terminus Place, with private amenity spaces provided behind Building 1 for three dwellings and an additional terrace to the

front of Building 2.

ADG Section P requires infill development to be informed by surrounding buildings to maintain local cohesion. Building 1 maintains the existing River Road building line, which is a positive response to local character. Building 2 is set back to accommodate parking, which is acceptable as there is no consistent building line on Terminus Place. Retaining the River Road frontage ensures massing remains in keeping with the wider streetscene.

Garden depths range from 3.3 to 4.2m, below the ADG's general 10.5m guidance (Part H) . Smaller gardens are characteristic of nearby properties on Terminus Place, River Road and Purbeck Place. In this context, the reduced amenity space is justified. The terrace facing Terminus Place will require a sensitive boundary treatment; inappropriate options such as timber fencing would appear out of place and careful detailing will be important.

As a result of the alteration of the roof form and the lowering of the ground floor level, the height of the River Road building has been reduced to align more closely with neighbouring properties, and neither building is considered harmful to the streetscene. The Terminus Place building will sit slightly lower than Cyprus Villas, Arun Court and the dwellings on Purbeck Place.

Overall, the revised scheme is considered acceptable in terms of design and character and complies with ALP Policy D DM1 and the relevant parts of the ADG.

HERITAGE

The site is in the River Road Conservation Area. As per the Conservation Officer comments, the existing building did not contribute positively to the character & appearance of the area and its removal & replacement with a building of acceptable design, scale and detailing would be acceptable in principle. Notably the building has already been demolished, the loss of the building has better revealed the significance of the surrounding buildings.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. HER DM3 sets out criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (a) New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings.
- (d) Unsympathetic features are removed.
- (e) It retains historically significant boundaries, important open spaces, and other elements of the area's established pattern of development, character, and historic value, including gardens, roadside banks, and verges; and
- (f) It does not harm important views into, out of or within the Conservation Area.

Paragraph 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para. 208 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is 'no harm', 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal.

The Heritage Assessment does not adequately identify the significance of the conservation area, nor does it provide a sufficiently robust assessment of the impact of the proposal on that significance. The Authority's own appraisal identifies the River Road Conservation Area, located west of Littlehampton town centre, as comprising early 19th-century development along the River Arun. The eastern side of the

conservation area is characterised by larger listed townhouses, while the western side; where the application site is located, features smaller, simpler two storey rendered buildings. The site therefore sits in the more modest, vernacular part of the conservation area.

The loss of the commercial use is not considered harmful to the character of the area. Historically, this part of River Road would have accommodated an eclectic mix of uses; however, in more recent times, residential development has become the predominant form. The surrounding area demonstrates a defined arrangement of built form, with buildings either fronting directly onto the pavement or set behind modest front gardens. Building 1 reflects this pattern by continuing the established building line along River Road, while Building 2 similarly respects the existing frontage pattern along Terminus Place. This approach is appropriate.

The design responds positively to the local context. Building 1 draws on the form and detailing of adjacent properties, including window proportions and boundary treatments. While Building 2 adopts a different design approach, it remains sympathetic to the conservation area and reflects the architectural cues of nearby buildings in Purbeck Place, particularly through the use of casement windows. This is welcomed.

The success of the scheme will depend largely on the quality and finish of the external materials. Should the application be approved, it would be necessary to impose conditions requiring the submission and approval of all materials and finishes to ensure they preserve the area's character.

Concerns have been raised regarding the use of interlocking roof tiles. Such tiles are not characteristic of the historic buildings in the conservation area. While it is acknowledged that some neighbouring properties on River Road feature interlocking tiles, this does not justify the use of inappropriate materials in new development. It is recommended roofing materials be controlled via condition to secure a high quality and contextually appropriate finish.

The redevelopment of the site would not result in harm to the character or appearance of the conservation area. On the basis that no harm has been identified, it is not necessary to demonstrate public benefits. As such, the proposal does not conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and is in accordance with policy HER DM3 of the ALP.

FLOOD RISK

The southern half of the site lies in an area that would flood in the 5% AEP event. This area has a greater annual probability of flooding than the 3.3% AEP event, for which we do not hold data. Flood Zone 3b is defined as land that would flood in the 3.3% AEP event. Given that the 5% AEP event has a higher annual likelihood of flooding, albeit with less significant consequences, the data for the 3.3% AEP event would only increase the area identified as being at risk.

The remainder of the site lies in Flood Zone 3a and is at risk from both tidal and fluvial flooding. Although the FRA classifies the site as being in Flood Zone 3a at most, Flood Zone 3b is defined as functional floodplain with a very high probability of flooding (1 in a 20 year event). The FRA identifies a design flood level of 5.06m AOD.

Policy W DM2 of ALP 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 has been met.
- b. An acceptable Flood Risk Assessment is provided.
- 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.

Policy ECC SP1 requires that new development be designed to adapt to the impacts arising from climate change.

With regard to parts (a) and (b) of Policy W DM2, the proposal includes a site specific Flood Risk Assessment; however, it does not include a Sequential Test (ST). These elements of the policy are therefore not met.

The NPPG is clear that, where flood risk is a consideration, an approach should be adopted that prioritises:

- (1) avoidance;
- (2) control of risk;
- (3) mitigation of any residual risk; and finally
- (4) management of the residual risk.

These options must be considered sequentially, with avoidance being the highest priority.

Turning to avoidance, paragraph 173 of the NPPF requires applicants to undertake the ST to steer development to areas of lowest flood risk. Paragraph 27a of the NPPG sets out the criteria for defining the search area. For residential development, it is appropriate that the search area be confined to the BUAB of Littlehampton. It could further be argued that the functional catchment of the site relates primarily to the town centre and its supporting areas; therefore, wider areas of Littlehampton could reasonably be excluded. An appropriate and proportionate search area would be south of the A259. The ST must not consider the presence of existing flood defences, as long-term funding, maintenance, and renewal cannot be guaranteed. Flood defences can and do fail.

Paragraph 177 of the NPPF states that, following application of the ST, the Exception Test (ET) may be required. Despite the ST not being undertaken; and in conflict with ALP Policy W DM2 and relevant parts of the NPPF/NPPG, the ET has been examined for completeness.

Paragraph 178 of the NPPF sets out the two requirements of the ET:

The development must provide wider sustainability benefits to the community that outweigh the flood risk; and It must be safe for its lifetime, taking account of user vulnerability, without increasing flood risk elsewhere.

Annex 3 of the NPPF and Table 2 of the NPPG classify residential dwellings as more vulnerable. Table 2 indicates that more vulnerable development in Flood Zone 3b should not undertake the ET and should not be permitted. However, the FR assessor considers the site to be in Flood Zone 3a, as such we would have expected to see an ET be undertaken, however the FRA does not include an ET, and no wider community benefits have been identified. Part (c) of the W DM2 has therefore not been met.

Regarding the second ET requirement, the proposal does not demonstrate that it would be safe for the lifetime of the development. Floor levels are not proposed to be raised to accord with the 0.5% AEP + climate change event, with 600 mm freeboard as recommended in government guidance, as this is said to be impractical. Instead, all sleeping accommodation would be located at first floor level. While this is a positive measure, it does not make the development safe for its lifetime and does not meet part (b) of the ET.

As avoidance cannot be achieved, the inclusion of first floor sleeping accommodation must be considered within the hierarchy of remaining options set out in NPPG paragraph 004.

The NPPG advises engagement with relevant authorities to control flood risk. The FRA notes the Environment Agency's 'Hold the Line' management policy; however, flood defences can fail, and even where maintained, the site remains liable to flooding. Upgrades would be required to provide protection over the full design life of the development, and no evidence has been provided that such funding exists.

Regarding mitigation and management of residual risk, the NPPG recommends the use of resistance and resilience measures. The guidance is silent on measures for development exposed to the design flood event, presumably because development should already have been avoided or refused at earlier stages. Safe access/egress (i.e. escape to upper floors) and warning procedures are relevant only to residual risk, not primary mitigation.

Paragraph 048 of the NPPG reinforces that evacuation procedures are appropriate only for residual risk. The NPPG warns that proposals increasing the number of people living in flood risk areas require particular scrutiny. It suggests applicants may need to fund additional emergency service requirements necessary to make the development safe; consistent with the 'agent of change' principle, under which the applicant bears responsibility for addressing the impacts they create.

In relation to parts (c)-(f) of Policy W DM2, the ST and ET have not been undertaken or passed. As the site is in Flood Zone 3b, it is the Authority's position that the ET should not be undertaken, and national policy advises that development in such circumstances should not be permitted. Some mitigation and adaptation measures are proposed, but these are not relevant without first passing the ST and ET. Part (e) is satisfied, as the FRA includes information on emergency flood evacuation and warnings. Part (f) is addressed elsewhere in this report.

The proposal conflicts with Policy W DM2, specifically parts (a), (b), (c), and (f). The Environment Agency (EA) confirm that, notwithstanding the FRA identifying the site as Flood Zone 3a, it is in fact in Flood Zone 3b. Residential development is not appropriate in Flood Zone 3b. The proposal fails to accord with the ALP and the relevant parts of the NPPF and NPPG, particularly those concerning the ST and ET, both of which fail.

SURFACE WATER DRAINAGE

ALP policy W DM3 states that, to improve water quality, storage, and capture, development must identify opportunities to incorporate a range of SuDS appropriate to the scale of development, and at an early stage in the design process. Policy W SP1 similarly encourages the integration of SuDS, particularly where they can mitigate flood risk.

Paragraph 181 of the NPPF states development should not increase flood risk elsewhere and it should incorporate SuDS, unless there is clear evidence that this would be inappropriate. Paragraph 182 requires SuDS to be incorporated to control flow rates and reduce runoff volumes, while also delivering multifunctional benefits such as improvements to water quality, biodiversity, and amenity. The NPPG further advises that SuDS should be designed using nature-based techniques to replicate natural drainage as closely as possible. It reiterates the importance of considering drainage design early in the process (Paragraph 055), outlines the SuDS hierarchy (Paragraph 056), and references the SuDS Manual and the Statutory Technical Standards (June 2025) as key sources of guidance (Paragraph 057).

The applicant has not submitted a formal drainage strategy. It is not possible to confirm or review for suitability the proposed discharge location, consider the suitability of any interception features (for the first 5mm of the majority of everyday rainfall events), ensure the proposed surface water drainage strategy does not increase run-off and therefore increase the chances of flooding elsewhere, or consider how the proposal will increase water quality benefits, amenity benefits, or biodiversity benefits. The FRA indicates attenuation of the site could occur but presents various other options only as suggestions. Attenuation of surface water does not represent a discharge location. The proposal does not accord with

any of the 8 fundamental standards of the National Standards for SuDS, including Standard 1: the drainage hierarchy. As a discharge location has not been demonstrated as achievable, it cannot be satisfactorily determined that the flood risk on site or elsewhere will not increase. This is in conflict with the above paragraphs of the NPPF.

The proposal does not prioritise the highest priority (and most sustainable) discharge location, has not incorporated interception features, has not accounted for the flood risk of site, and has inadequately provided for the storage of stormwater on site. These issues may impact the size and scale of the development. With respect to an unproven discharge location, this may result in an increased risk of flooding on site or elsewhere. The proposal does not accord with ALP policy W DM3 and does not gain the support of policy W SP1. It does not accord with paragraphs 181, 182, and 187e of the NPPF and the relevant parts of the NPPG.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. Policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact on residential amenity. The ADG sets out guidance on interface distances between dwellings, which are: 21m for back to back, 16m for front to front, and 14m for front or back to side.

Building 1 infills a gap between the street frontages of 27 River Road and Cyprus Villas. Each of these buildings has high level flank windows. The drawings demonstrate there is no impact on a 25 degree splay drawn from 2 Cyprus Villas' high level flank window. The flank window to 27 River Road will be blocked off but, as per the planning history (LU/84/89), this serves a landing and is a secondary window. The building will have windows to the front and rear, which is consistent with the layout of the street in this location.

Building 2 (on Terminus Place) has been designed to minimise harm to the amenities of neighbours. Its first floor only has windows facing south and east, so none face Purbeck Place to the west or Arun Court to the north. The single rooflight above will not allow views out. There is a rear window at ground floor level which faces onto the alleyway at the rear. This appears to be high level and will not result in an overlooking issue.

A south facing first floor window serving a habitable space is proposed in Building 2 which has views directly towards two windows in Building 1. As these windows serve bathrooms and can be conditioned to be obscured, there are no issues arising from inter site overlooking.

It has been demonstrated that Building 2 will have no impact on a 25 degree angle drawn from the first floor windows of the houses on Purbeck Place. It is acknowledged that the two storey element of Building 2 will be set at a lower level than the previous scheme, resulting from the removal of the subterranean parking level that had previously been proposed.

To the western side of Terminus Place is Arun Court, directly adjacent to the north of the site. This is a four storey purpose built residential block containing 8 no. individual flats. It has many windows overlooking the site. Approximately four of these windows were previously mostly obscured by the pre existing building; however, as this has been removed, they have an open outlook across the site. It is unknown what accommodation these windows serve; however, given the number of windows affected, some are likely to serve habitable spaces. It is material that the building has been removed, significantly altering the outlook for residents on the basement and ground floors of Arun Court. Although previously found to have limited impact on Arun Court due to the existing relationship, the distance between buildings of 3m does not accord with the separation distances and rules found in Parts H and G of the ADG. This gap is significantly below any closer relationships found in the immediate area. The

relationship is now considered harmful to the occupiers of Arun Court.

Whilst the scheme is similar to the previously approved scheme, there is a material difference in that the building which had provided justification for the impact on neighbours has since been removed. The impact of Building 2 in respect of daylight and sunlight on the flats within Arun Court is not acceptable and will cause significant harm to the occupants.

There is a shortfall in the interface distance between the rear of Building 1 and the side of Building 2 when considering the bulk of the buildings (10.5m compared to the 14m requirement). This had previously been found to be acceptable. There would be no material difference in this respect between the schemes and, as such, there is no reason why this opinion should alter.

There will be a bin and cycle store adjacent to the rear wall of 1 Cyprus Villas and that this may result in noise disturbance. However, it is material that the boundary is a solid brick wall and that this part of the site is currently used for the parking of cars.

Overall, the proposal is in conflict with policies D DM1 and QE SP1 of the ALP and the relevant sections of the ADG due to the harm arising for existing occupants of Arun Court.

QUALITY OF ACCOMMODATION

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADG SPD re-iterates this requirement.

The plans show that all 4 dwellings will either meet or exceed the NDSS requirements:

- The 1-bed dwellings in Building 1 are 61sqm each,
- The 2-bed dwelling in Building 2 is 73sqm,
- The 1 bed dwelling in Building 2 is approx. 60sqm.

There are no policies in the ALP relating to garden sizes, but section H.04 of the ADG sets out standards for garden sizes for flats as being a minimum of 10.5m in depth. The gardens provided are significantly shorter than this; however, the character of the area is one of a high density urban environment, such that other small rear gardens can be found in the locality. The site is only a short distance from the riverfront, Beach Green, Harbour Park and the seafront, all of which provide opportunities for recreational activities.

Overall, the proposal will provide a good standard of amenity for future residents and is therefore acceptable and accords with ALP policy D DM2.

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 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. The council has a Parking Standards SPD.

The Parking SPD sets out a requirement for this development of 4 allocated spaces and 0.8 visitor spaces (rounded up to 1). Four spaces are to be provided which represents a shortfall of 1. This site is in a town centre location and future occupiers would not be reliant on the use of a private motor vehicle. A shortfall of 1 space is not sufficient to warrant refusal on parking grounds. The scheme provides cycle

storage which accords with the SPD.

WSCC Highways raise no objections. The NPPF allows for a refusal on highway grounds when there is an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case there will be no such unacceptable or severe impacts.

BIODIVERSITY

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site. The application is not accompanied by an ecological appraisal, but existing residential buildings and their curtilages tend to have low potential as habitat for protected species particularly in dense urban and seafront locations.

It is proposed to have a bat and bird box fixed to each of the buildings, soft landscaping will be introduced and there will be green roofs to both dwellings in Building 1. These items can be controlled by condition, and are acceptable.

The proposal accords with ALP policy ENV DM5.

Pre demolition the site would have been 100% sealed surface and not liable to the statutory 10% measurable BNG. As the site has recently been cleared it is still devoid of any biodiversity, however it is not 100% sealed surface anymore (now being rubble and free draining soil). This is not considered degradation but a positive improvement. However, for this current application the requirements of the Environment Act, in respect of the 10% net gain, are not required.

CONTAMINATION

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. Environmental Health has recommended a standard contamination condition due to the previous use of the site. With this condition in place, remediation can be secured should any contamination be discovered and as such the proposal will be in accordance with the policy.

CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The D&A Statement indicated that energy efficient building materials will be used along with decentralised, renewable, and low carbon energy supply systems.

Conditions could be imposed to secure the water usage and energy efficiency measures. A further condition could be included to secure electric vehicle charge points. Subject to the conditions being discharged, the proposal would comply with policies ECC SP1 and ECC SP2.

SUMMARY & TILTED BALANCE

The development would represent a small boost to the Council's HLS shortfall in a town centre location. There would be a small boost to the economy during the construction phase. The proposal is policy compliant (or can be made to be via condition) in terms of the proposed design, energy efficient design, highways and contamination matters.

The removal of the building, has had a positive impact on the Conservation Area, this impact has taken place as this element is retrospective. No harm to the Conservation Area has been identified by the construction of the new structures.

Given the proposal is in an area at risk of flooding the NPPF first directs us to grant permission unless 11(d)(i) the application of policies in this Framework that protect areas or assets of particular importance (i.e. flood risk areas) provides a strong reason for refusing the development. In this instance paragraphs 171 -182 provide these reasons.

The proposal is in conflict with policies including W SP1, W DM2 and W DM3 in respect of flooding and drainage, and D DM1 and QE SP1 in respect of the harm occurring to neighbouring or future residents. It is therefore in conflict with the plan as a whole.

The proposal 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

There is no CIL payable for flattened developments in CIL zone 4. The development is too small in scale to attract s106 contributions.

RECOMMENDATION

REFUSE

- 1 The site lies within Flood Zone 3b, where Table 2 of the NPPG states that more vulnerable development, including residential use, should not be permitted, and the proposal therefore represents inappropriate development contrary to national policy.

No Sequential Test has been provided, contrary to Policy W DM2(a) of the Arun Local Plan and paragraphs 173-177 of the NPPF, which require development to be directed to areas of lowest flood risk first. The proposal also fails the Exception Test, as it has not demonstrated

the wider sustainability benefits that would outweigh the flood risk; or that the development would be safe for its lifetime without increasing flood risk elsewhere. This results in conflict with Policy W DM2(c) and (d) and relevant national policy.

It has further not been shown that the development can be made safe for its lifetime. Floor levels would not meet recommended climate change allowances and freeboard, and reliance on first-floor sleeping accommodation and emergency procedures does not provide adequate mitigation for a more vulnerable use within Flood Zone 3b. This fails Policy W DM2(b), (d) and (f).

Given the site's location in an area of highest flood risk, NPPF paragraphs 171-182 provide strong reasons for refusal under paragraph 11(d)(i). The proposal is therefore contrary to Arun Local Plan policies W SP1 and W DM2 (and the Plan as a whole) and to the NPPF and NPPG, including the Sequential and Exception Tests.

- 2 The proposal has not provided a drainage strategy which accords with the Standards set out in the National Standards for SuDS. It has failed to discharge in accordance with the hierarchy, intercept frequent storm events or provide water quality, amenity or biodiversity benefits. As a result, it is not possible to determine whether surface water runoff would be discharged in a sustainable manner or if it has taken account of climate change and existing water environment.

Overall, it has not been demonstrated that the risk of surface water flooding would not increase on site or elsewhere. The proposal conflicts with Arun Local Plan policies W DM3, W SP1 (and the Plan as a whole) and relevant paragraphs of the NPPF and NPPG.

- 3 The proposed Building 2 by reason of its bulk, height and location adjacent to Arun Court would result in the loss of daylight, sunlight and outlook to and the overshadowing of those properties in Arun Court, from which it would also have an overbearing appearance. It would be significantly detrimental to the residential amenities of the occupiers of the adjoining properties and contrary to Arun Local Plan policies D DM1 and QE SP1.

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