

REPORT UPDATE

Application No: LU/310/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

2nd response has been received from the Town Council withdrawing their objection. In light of the response received from the Environment Agency (EA) observing that they considered the scheme acceptable, the application was reviewed. In view of the proximity of the proposed development to a listed building Members supported the comments of the Conservation Area Officer regarding materials. The Committee was therefore content to withdraw its objection and urged the Planning Authority to impose a condition to ensure that the materials used in the scheme reflect the character of buildings found in the surrounding area.

Officer comment;

A materials condition has been imposed.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/310/18/PL

LOCATION: 1 Arcade Road
Littlehampton
BN17 5AP

PROPOSAL: Addition of first floor to form self-contained flat, change of use of existing leisure use (D2 Assembly & Leisure) to office use (A2 Financial & Professional Services) at ground floor & external alterations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to change the use of the existing ground floor premises which is used as a boxing gym to an office and to extend at first floor to create a one bedroom self contained first floor flat.

The existing brickwork and shop front are to be retained so that at ground floor there is little change. The new first floor will be constructed of timber framing clad in profiled steel as would be the roof. A new external staircase will serve the flat with a new gate proposed on Arcade Road frontage to provide additional security.

RESIDENTIAL DEVELOPMENT 66 dwellings per hectare.
DENSITY (NET)

SITE CHARACTERISTICS

Single storey red brick building currently in leisure use. The existing building is flanked by higher properties on each side of the Arcade Road elevation. The property to the east no. 3 has no openings in the side elevation facing the application site.

CHARACTER OF LOCALITY

Area of mixed uses. Mainly retail at ground floor with commercial/residential above to the east and north and residential to the south.

RELEVANT SITE HISTORY

LU/393/04/

Change of use from retail shop (A1) to a gym (D2)

ApproveConditionally
29-10-04

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection .The site is in Flood Zone 3 and the application lacks a formal flood risk assessment.

COMMENTS ON REPRESENTATIONS RECEIVED:

A Flood Risk Assessment has been submitted and Environment Agency has no objection.

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Concessions Officer

Conservation Officer

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - The application is within Flood Zone 3, a flood risk assessment should therefore be supplied.

Conservation Officer - No Objection.

In its current state the building is considered to be of no significance. The site is located next to the covered arcade which is a locally listed building. Development has the potential to affect the setting of this heritage asset.

The change of use of the property is considered to be acceptable as it maintains a use suitable to the town centre location.

The extension is significant in size and would be visible on the street-scene. An additional floor could

enhance the appearance of the building, but the current proposal does not demonstrate that the material will reflect the character of buildings found in the local area.

The success of a scheme depends upon the quality of the materials used which should be conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The concerns of the Conservation Officer are being addressed by the deletion of the reference to materials on the elevation plans and the imposition of a materials condition. The provision of the balcony is a positive feature in terms of the external amenity space it provides.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Within Town Centre

Affects Setting of a Locally Listed Building

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
WDM2	W DM2 Flood Risk
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment

[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:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for

the relevant designated neighbourhood area. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1 and 2 of the Littlehampton Neighbourhood Plan are considered relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policy in that the extension and use would have no materially adverse effect on the visual amenities and character of the locality.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

In this instance the main criteria against which the application will be assessed is that within policies DDM1, DDM4, HER DM1 and WDM2 of the Local Plan and the made Littlehampton Neighbourhood Plan (2014) which contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development which 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 - Spatial Plan for the Town which focuses future housing, economic and community-related development within the built up area of Littlehampton. The proposal accords with this policy.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The surrounding buildings are predominantly two storeys and constructed from brick or render. The proposal represents conversion of the existing ground floor and the addition of a first floor with an external staircase. The residential use would be in keeping with the character of the area.

The extension would provide an additional floor and would not be considered subservient to the main building. In this respect it would not accord with policy DDM4(b). However given the limited height of the extension and its position and size in relation to adjoining development of similar proportion and scale it would not result in material harm to the character of the area and therefore broadly compliant with policy DDM4. The first floor area would replicate the footprint of the existing ground floor and the roof height would increase by 2.5m. The eaves would be 4.9m and the ridge 6.6m which is similar in height to no 3 Arcade Road and the Arcade entrance. The development incorporates a low roof pitch which ensures the development is in keeping with the angle of other roof slopes.

The proposed profiled steel cladding to the roof and elevations which are indicated on the elevation plans would detract from the traditional materials used on neighbouring properties and it is therefore proposed to condition these materials to ensure that the development enhances the area and does not detract from the appearance of the street scene nor the setting of the Arcade a Locally Listed Building. The extension would be readily visible given its position on the road frontage but it is in keeping with the height of adjacent development and therefore the scale and character of the area. Together with the conversion of the ground floor it would accord with policies DSP1, DDM1, DDM4 (a) and (e) of the Local Plan and Littlehampton Neighbourhood Plan Policies 1 and 2.

RESIDENTIAL AMENITY

Whilst the property is located adjacent to other residential properties, the levels of activity proposed to be generated by the proposal would not be greater than is currently the case with the gym use. This is a town centre location where traffic noise from parking and vehicle movements already exists as well as from other buildings in Beach Road.

The addition of a first floor would not adversely affect no 3 Arcade Road, or The Arcade property to the west by reason of materially adverse overlooking or overbearing effects since these properties have no openings in their side elevations. There are no openings in the north end elevation at first floor and whilst bedroom windows are proposed towards the rear of the side elevation these face onto storage buildings and the rear of shops in an area where some degree of overlooking is generally accepted.

The proposal would not therefore adversely impact on the residential amenities of adjoining properties and is compliant with policy DDM1(3) and DDM4(c) of Arun Local Plan.

The proposal accords with the Nationally Described Space Standards. This requires a minimum gross internal floor area of 50 sqm for a single storey 1 bedroom 2 person dwelling. The internal floor area of the one bedroom unit is approx 62 sqm. The proposal therefore provides a satisfactory living environment for the proposed occupiers and would not adversely affect their residential amenity.

There is external amenity space provided with the unit in the form of a balcony area which measures 1.4m by 3.9m. and there is additional external amenity space with nearby coastline and parks.

HIGHWAYS AND PARKING

There is no car parking provided as part of the proposal but this town centre site is sustainably located with easy access to bus, train services, car parks. Furthermore parking on the roads to the south is generally available where there are no parking restrictions.

RETAIL/COMMERCIAL CONSIDERATIONS

The site is located within the town centre, but not within a primary or secondary retail frontage and the proposal would therefore not result in a concentration of non-retail uses to the detriment of the vitality of the town centre.

The property is currently used as a boxing gym and adjoins a bookshop. The proposal would not therefore result in a loss of retail use, would add a commercial use and would not adversely affect the character of the area or the vitality of the town centre. The office use would encourage employment and add a residential use in the town centre, potentially increasing footfall, which would provide a supportive role to the use of the town centre. The use would therefore accord with policy RET DM1 of Arun Local Plan.

FLOODING

The application is accompanied by a Flood Risk Assessment (FRA). The site lies within Flood Zone 3,

(High Risk). Whilst the FRA does not comply with national guidance the Environment Agency are satisfied, on flooding grounds, with the proposed layout given that habitable rooms will only be located at first floor above 4.94m AOD. The Environment Agency consider this to be an acceptable layout to mitigate the tidal flood risk.

The proposal is therefore compliant with policy WDM2 of Arun Local Plan which requires that development in flood risk areas is accompanied by a specific Flood Risk Assessment to demonstrate that the development will be safe.

CONCLUSIONS

The development would be in keeping with the character and appearance of the locality and would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the proposed and neighbouring dwellings. It is considered to accord with relevant development plan policy.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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 and Floor Plans 021018/TP.01
Elevations 021018/TP.02A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

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

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 DDM1 of the Arun Local Plan.

- 4 INFORMATIVE:
The use of flood proofing and resilience measures is recommended . Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.
To find out which measures will be effective for this development, please contact your Local Planning Authority's Building Control Department.
You can find out more about reducing flood damage by visiting the Planning Practice Guidance to the NPPF for Flood Risk and Coastal Change -
<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.