

Recommendation Report for Planning Permission

REF NO: LU/321/17/PL

LOCATION: 22 Beach Road
Littlehampton
BN17 5HT

PROPOSAL: Change of use of upper floors from 1 No. dwelling to 3 No. dwellings & associated works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the conversion of the existing 1 no. residential property at first and second floor level to provide 3 no. residential units.
SITE AREA	Approximately 0.01 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 300 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The primary elevation of the building abuts the highway.
SITE CHARACTERISTICS	3 storey mid terrace property. Ground floor in retail use and residential accommodation above. The ground floor features a shop front with the first and second floor featuring red brick. The premises features a rear access which is accessed via Evans Gardens which is a small courtyard to the rear of the site which provides access to a number of other retail uses as well as a seating area associated with a restaurant.
CHARACTER OF LOCALITY	Predominantly commercial at ground floor with residential accommodation at first and second floor level.

RELEVANT SITE HISTORY

LU/56/17/PL	Change of use of ground floor from retail shop (A1 Shops) to hot food takeaway (A5 Hot Food Takeaway) & associated works.	ApproveConditionally 30-05-17
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Planning permission was previously granted under reference LU/56/17/PL for the change of use from A1 to A5.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Environmental Health

Environment Agency

Southern Water Planning

Engineers (Drainage)

Engineering Services Manager

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water:

Standard informative requested.

County Highways - No Objection. Although no car parking is provided the site is sustainably located close to access to buses and trains. In addition, parking is restricted and there are designated loading bays which are enforced along the length of the road which deters visitors parking in unsafe locations in the highway. In Beach Road which increases the probability that parking will

Environmental Health - Objection. Contrary to Pegasus Group Report DP/COT, P16-1266, September 2017, page 15, paragraph 5.19, we consider the extract flue associated with the ground floor A5 use to have detrimental impact on the proposed upper floor residential accommodation. The level of noise produced by the extraction ventilation system and chiller fans for the refrigeration unit(s) at Pizza Hut is clearly identified (Document Reference 131718 Rev A, prepared by Ned Johnson Acoustic Consultants Ltd) as likely to have significant adverse effect on the amenity of the proposed residential development. This is particularly because the new layout of the flats has placed noise sensitive rooms , close to this noise source. Whereas a single dwelling would allow potential occupants to 'escape' the noise, smaller units reduce the capacity of occupants to manage noise in this way. We therefore object to this application until such systems are put in place as to demonstrate that noise levels within the proposed new flats will meet the requirements of BS8233:2014, Code of Practice on Sound Insulation and Noise Reduction for Buildings. Such measures should centre around reduction of the noise source itself before further consideration of noise attenuation to the residential units.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Despite the objections raised by the Environmental Health officer it is considered that potential noise problems from the ground floor use can be controlled by a suitably worded pre occupation condition. The wording of the proposed condition has resulted from discussions with the environmental health officer.

POLICY CONTEXT

Designation applicable to site:
 Within built up area boundary
 Building special character

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA21	Re-use of Redundant Floorspace
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN22	Buildings or Structures of Character

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
SD SP2	Built -Up Area Boundary
HER DM2	Locally Listed Buildings or Structures of Character

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD9	Buildings or Structures of Character
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Littlehampton Neighbourhood Plan has been made and policies 1 and 2 are relevant in the 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 conflict with Policy GEN12 of the Arun District Local Plan by virtue of the lack of parking provision at the site. However, it is considered that by virtue of the sites sustainable location the proposed development would not have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The application site is situated within the built up area boundary as defined by policy GEN2 of the Arun District Local Plan and Policy 1 of the Littlehampton Neighbourhood Plan. Therefore, the proposed development by virtue of its location is acceptable in principle subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 and GEN22 of the Arun District Local Plan; Policy D DM1, D DM2 and D SP1 of the emerging Local Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The application does not propose any external alterations to the existing building with the proposed changes being restricted to internal alterations to create the 3 no. dwellings. Due to this the proposal will not result in any unacceptably adverse harm to the character and appearance of the building. Therefore, the proposed development is deemed to accord with policy GEN7(ii) and GEN22 of the Arun District Local Plan; and policies D DM1 and D SP1 of the emerging Local Plan.

The proposed bin storage for the development will be situated on land to the rear of the site within Evans Gardens. It is considered that the open storage of the bins will have the potential to adversely impact upon the visual amenities of this publicly accessible space in conflict with policy GEN7(ii) of the Arun District Local Plan. Therefore, a condition has been included with this recommendation requiring the submission of details for a bin store and its implementation prior to occupation of the residential units hereby approved.

RESIDENTIAL AMENITY

The proposed conversion to provide 3 no. residential units will not give rise to any unacceptably adverse overlooking, overbearing or overshadowing beyond what can already be achieved at the site. Therefore, the proposed development is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

INTERNAL SPACE STANDARDS

The proposed development will consist of 1 no. 1 bed flat and 2 no. 2 bed flats. The proposed 1 bedroom flat will measure approximately 37m², the Nationally Described Space Standards (NDSS) will specify a minimum gross internal floor area of 39m². It is considered that the proposed floor area despite its 2m² shortfall is acceptable in accordance with the NDSS.

The proposed 2 bedroom flats will measure approximately 58.67m² and 66.63m² in gross internal floor area. The NDSS requires a minimum gross internal floor area of 61m² for a 2 bed 3 person flat and as such the proposed development, despite the 2.33m² shortfall in flat 2, is considered acceptable in accordance with policy D DM2 of the emerging Arun District Local Plan.

EXTERNAL SPACE STANDARDS

The proposed development does not include any external space provision. Whilst still part of the emerging plan policy D DM3 has been deleted from the latest modifications which are awaiting approval from the Inspectorate. However, the proposed site will be situated 130m from Caffyn's Field and Littlehampton Seafront is located approximately 460m from the site.

Therefore, it is considered that despite the proposals failure to provide any private outdoor amenity space for flats proposed the site is suitably located in close proximity to open space.

HIGHWAYS AND PARKING

The application site is situated in a town centre location and as such is located within acceptable walking distances of shops, services, facilities and public transport. Therefore, it is considered that despite the lack of any parking provision at the site the proposed development is acceptable.

SUMMARY

It is considered that the proposed development is sustainably located and will not adversely impact upon the established character of the locality or the building of special character. Therefore, the proposed development is recommended for approval subject to the below 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 Plan
- Proposed Floor Plans - LHG17 61

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Details of a store for the 6 no. bins associated with this development shall be submitted to the Local Planning Authority for approval and shall be implemented on site prior to the first occupation of the residential units hereby approved. Thereafter and in perpetuity the bin store shall be retained and maintained in a fully functioning condition which does not adversely

impact upon the visual amenities of the locality.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Prior to occupation of the flats hereby approved an acoustic report based upon actual readings on site, which demonstrates that the internal noise levels of the proposed residential units will conform to indoor ambient noise levels for dwellings as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings shall be submitted to and approved by the Local Planning Authority. The details shall include any mitigation measures which may prove necessary to be specified. Any works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and retained thereafter to the satisfaction of the Local Planning authority.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 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 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.
- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.