

REPORT UPDATE

Application No: LU/323/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

Deletion of pages 118 & 119

Recommendation change to 'Conditional approval with S106'

Officers Comment: Unilateral Undertaking completed since the application was cleared onto Agenda.

Note: The changes to recommendation are attached on the amended replacement recommendation sheet.

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/323/17/PL

LOCATION: United Services
Maltravers Road
Littlehampton
BN17 5NA

PROPOSAL: Change of use of former United Services Club (Sui Generis) to 10 No. flats (C3 Dwelling House) with associated landscaping, parking, bins & recycling storage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use to create 8 no. 2 bedroom flats and 2 no.1 bedroom flats. This would include:- - Removal of west facing external side staircase, - Replacement of existing windows with obscure glazed and fixed shut to 1.7m above finished floor level grey plastic sash windows, - Juliette balconies to first floor rear windows, - Roof lights to west and east side roof slopes, - Box dormer window to rear roof slope, - Glass balustrade to front entrance with adapted steps, - Parking for 6 no. cars with bin storage to front. External patio areas to flats 1 & 2 to rear.
SITE AREA	0.09 hectares/ 866m2 approx.

RESIDENTIAL DEVELOPMENT 100 dph.
DENSITY

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

1.8m high wall to side and rear. Open plan to front.

SITE CHARACTERISTICS

Two storey, vacant club building with hipped roof and pillared entrance to front with small first floor balcony area atop. Parking to front and vehicle access to side leading to parking and garages at the rear of the site which are in separate ownership and privately used.

CHARACTER OF LOCALITY

Town centre location. Flatted developments to west and east. Surgery to south, library and fire station to north.

RELEVANT SITE HISTORY

LU/268/72	Additional Floor To Form Snooker Room To Existing Club Also Generator Room	Approve 18-08-72
LU/278/74	New Office Adjacent To Existing Snooker Room	ApproveConditionally 12-09-74
LU/65/81	Extension Of First Floor	ApproveConditionally 18-03-81
LU/292/65	Addition Of Snooker Room And Beer Store	Approve 06-01-66

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Object on the grounds of highway safety and inadequate parking provision. In addition safety concerns were raised regarding the proposed communal entrance for pedestrians to the building which would be shared with vehicles accessing the site.

No public representations made.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

WSCC have no objection to the development in terms of highway safety and parking. Whilst the WSCC parking calculator would require 6 allocated spaces and 6 unallocated with 2 visitor spaces, given the sustainable location of the development and the unrestricted parking available along Fitzalan Road and Maltravers Drive, the development could not be resisted on parking or highways safety grounds.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Environment Agency
 Economic Regeneration
 Environment Agency
 WSCC Strategic Planning
 Solicitor - Legal Services
 Environmental Health

CONSULTATION RESPONSES RECEIVED:

Engineering Services Manager - No comments made.

Engineers (Drainage) - No comments made.

WSCC Strategic Planning (Highways) - No objection subject to construction management plan condition and informative.

WSCC Infrastructure - Contribution required for £19,405 towards Primary, Secondary and Sixth Form education on commencement of development.

Environment Agency (EA) - No objection subject to condition and informative.

Economic Development - Responded with 'no comment'.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Given the amount of parking space at the front the construction management condition proposed by highways is not considered to be reasonable or necessary.

Environmental Health comments concerning the use of the alleyway for vehicular activity are awaited.

POLICY CONTEXT

Designation applicable to site:
 Within the built up area boundary.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN11 Inland Flooding

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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 DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
ECC SP1	Adapting to Climate Change
ECC SP2	Energy and climate change mitigation
INF SP1	Infrastructure provision and implementation
OSR DM1	Open Space, Sport & Recreation
QE DM1	Noise Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM2	Flood Risk

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 6	Residential development involving the loss of community facilities
Littlehampton Neighbourhood Plan 2014 Policy 15	Provision and improvement of school facilities

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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 development is considered to comply with all relevant Littlehampton NDP policies other than Policy 6 "Residential development involving the loss of community facilities".

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 relevant Development Plan policies (in this case Littlehampton NDP policy 6) in that the development would result in the loss of a community facility.

OTHER MATERIAL CONSIDERATIONS

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

The development is in conflict with Littlehampton NDP policy 6 "Residential development involving the loss of community facilities". However, sufficient marketing information has been submitted showing the current use as financially unviable. In light of this, conflict with Littlehampton NDP policy 6 is not a compelling reason for refusal and the development is considered to comply with emerging Arun Local

Plan policy OSR DM1 and the National Planning Policy Framework. Further, Littlehampton Town Council make no objection on the grounds of conflict with their NP policy.

CONCLUSIONS

PRINCIPLE AND LOSS OF COMMUNITY FACILITY

The principle of development on this site is acceptable as it is located in a sustainable, town centre location within the built up area boundary. Conflict with LTNP policy 6 concerning the loss of the community facility must now be considered.

Marketing information has been provided by Robert Luff & Co. Their statement states that the property was in the market for over 6 months. The marketing exercise reveals the following:

- bringing the property to the attention of a number of their clients and making it available on the company's website
- a number of viewings took place
- the response was that for its current usage it would not be viable and owing to its state of disrepair nil interest had been shown for private hiring purposes
- there was no funds available for refurbishing the premises
- a builders survey revealed that significant investment was required to bring the premises to a standard able to attract a commercial tenant
- identified a number of other similar premises in the locality that had ceased trading
- a number of other alternative uses were considered such as B1 office use and C1 hotel use but were discarded as unviable owing to the location, parking provision and building investment required.

The above leads to the conclusion that in the case of this application an exception to Littlehampton NDP policy 6 should be made. Thus the principle of the change of use to residential is accepted in this case in compliance with emerging policy OSR DM1 and Littlehampton NDP policies 1 and 2.

DESIGN AND VISUAL AMENITY

The alterations to the building are minor and considered acceptable, with the rear dormer not directly visible from the street. The new windows, glass balustrading to front and removal of side staircase along with the renovation of the external walls with materials to match and replacement of hardstanding are considered to be a visual enhancement to the existing vacant unit. In terms of design and visual amenity the development is considered to comply with saved policy GEN7 (ii).

RESIDENTIAL AMENITY

The use of the road to provide access to vehicles making use of the privately owned parking and garaging area to the rear of the application site is not considered to result in unacceptable noise and disturbance nuisance to prospective occupiers of the flats that side on to this roadway and the existing flats that neighbour the site.

The former use of the premises as an entertainment club needs to be borne in mind when considering the residential amenity harm to the neighbouring occupiers. The proposed residential use of the site will therefore be an enhancement in this regard. Comments from Environmental Health will inform any measures that need to be taken with regards to the impact on residential amenity of prospective occupiers from the use of the roadway.

It is accepted that the upstairs side windows on the east and west elevations would provide overlooking opportunities to the flats at Fitzalan Court and Maltravers Court. However, the applicant has agreed to fix shut and obscure glaze the first floor side facing windows to a height 1.7m above finished floor level. This will be secured by condition. The windows of the rear facing first floor windows and second floor dormer

would look towards the Surgery to the rear and have an acceptable impact on residential amenity in terms of overlooking. They are not considered to increase communal overlooking from that which is the case now (there are existing windows at first floor) to the outside areas of Fitzalan Court and Maltravers Court to an unacceptable level. It is therefore not considered reasonable or necessary to impose an obscure glazed condition to these windows. It is considered that the flats at Maltravers Court will receive a slight enhancement in privacy level owing to the removal of the external staircase on the west side elevation.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policy GEN7 (iv).

CONTRIBUTIONS TO INFRASTRUCTURE

The applicant has agreed to submit a unilateral undertaking to agree payment of £19,405 towards Primary, Secondary and Sixth Form education on commencement of development. The contributions will be spent on additional equipment at River Beach Primary School, The Littlehampton Academy and The Littlehampton Academy Sixth Form. Thus the development would contribute to education (infrastructure) in compliance with emerging Arun Local Plan policy INF SP1 and Littlehampton NDP policy 15.

INTERNAL AND EXTERNAL AMENITY STANDARDS

The development would provide sufficient internal floor space to meet the requirements of the Nationally Described Space Standards.

Front balconies and small patio areas are provided for 4 of the flats but it is not considered that private external amenity space is required for all the flats in the development owing to the close proximity of open public amenity spaces and the absence of any local plan policy requiring a quantum of external private amenity space.

PARKING AND HIGHWAYS SAFETY

WSCC have no objection to the development in terms of highways safety and parking. Whilst the WSCC parking calculator would require 6 allocated spaces and 6 unallocated with 2 visitor spaces, the sustainable location of the development and the unrestricted parking available along Fitzalan Road and Maltravers Drive, makes the proposal compliant with saved policy GEN12 and emerging policy T SP1.

CONCLUSION

The application is considered to be acceptable and there are considered to be other material consideration which override the conflict with Littlehampton NDP policy 6. Approval of the application is recommended with the following conditions and a unilateral undertaking (S106) agreement.

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.

SECTION 106 DETAILS

The applicant has agreed to submit a unilateral undertaking for the payment of £19,405 towards Primary, Secondary and Sixth Form education on commencement of development. The contributions will be spend on additional equipment at River Beach Primary School, The Littlehampton Academy and The Littlehampton Academy Sixth Form.

RECOMMENDATION

- 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:-

PL.001
PL.003 Revision C
PL.002 Revision B

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 The materials and finishes of the external walls and roofs of the development hereby permitted shall be similar in colour and texture with those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 of the Arun District Local Plan.
- 4 The first floor windows on the east and west elevations of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a height 1.7m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.
- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (December 2017) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 5.20 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants in compliance with saved Arun Local Plan policy GEN11 and emerging Arun Local Plan policy W DM2 and the NPPF.

- 6 INFORMATIVE: The Environment Agency (EA) recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

The EA therefore recommend seeking comments from your Local Authority emergency planners.

The EA recommend that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 7 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 8 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.

- 9 INFORMATIVE: This decision has been granted subject to a Section 106 Unilateral Undertaking legal agreement relating to contributions towards education.

- 10 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.