

Recommendation Report for Planning Permission

REF NO: LU/328/18/PL

LOCATION: 90/91 South Terrace
Littlehampton
BN17 5LJ

PROPOSAL: Change of use from existing leisure use (except lower ground floor which will retain leisure use) to 8 No flats to include extension to form new first floor, alterations to roof space including creation of dormer windows & installation of roof lights (amendment to LU/197/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application refers to the provision of eight dwellings within the same footprint as approved under LU/197/17/PL for 6 flats. The existing building is to be retained, with the Lower Ground Floor levelled for improved access and the existing leisure use will remain. The finished floor level of the Ground Floor will be raised to a minimum of 5.0m AOD and three dwellings are to be created at this level.

A new First Floor is proposed containing three more dwellings. A proposed second storey is to contain the roof area providing a further two flats. The accommodation will comprise a total of 5 no. 1 bed flats and 3 no. 2 bed flats.

The external works include the addition of a North facing dormer window, the raising of the overall building height to accommodate appropriate floor thicknesses and correction of previous drafting errors. with a ridge height increase of 0.5m.

SITE AREA 0.057 hectare.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 140 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Black painted railings to roadside in South Terrace to approx. 1.6m high. Low walling to Bayford Road. Fencing to approximately 1m on side of parking spaces.

SITE CHARACTERISTICS 2 storey premises on corner site at junction of Bayford Road and South Terrace. Brick elevations and plain tiled roof. Area to side of building in Bayford Road is used for car parking, loading and unloading and storage. A timber shed is located adjacent to the rear northwestern corner of the site.

CHARACTER OF LOCALITY Predominantly residential characterised by mainly older style properties, mainly 3 storeys high and constructed of red brick.

Many have been converted into flats.

RELEVANT SITE HISTORY

LU/197/17/PL	Change of use of existing leisure use of upper ground floor to form 3 No. flats, extension of first floor to form 2 No. flats & creation of 1 No. flat in roof space (resubmission following LU/395/14/PL & LU/84/16/PL).	ApproveConditionally 18-10-17
LU/84/16/PL	Change of use of upper ground floor from leisure use to form 3 No. self contained flats & alterations to retained leisure use of lower ground floor (resubmission following LU/395/14/PL).	ApproveConditionally 04-07-16

The proposal amends an earlier approval for 6 flats LU/197/17/PL which granted permission to retain the basement leisure use and convert the floor above to 3 flats, comprising two, one bedroom flats and a 2 bedroom flat.

This proposal increases the number of flats to 8 in total and makes the plans more workable for construction purposes.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

1st response Objection - The design of the southern elevation is out of character in terms of its appearance compared with the surrounding area. The number of flats has increased from 6 to 8 and the number of parking spaces proposed remains at 4 therefore there is insufficient on-site parking provision.

2nd response No Objection - In light of the further information and explanation that had been presented to the Committee and subject to the assurances received regarding the changes to the design and materials that would be used, the Committee resolved to lift its objection to the proposals.

COMMENTS ON REPRESENTATIONS RECEIVED:

The approved south facing balcony and French doors are to be provided and the building proposed is not considered to be out of character with the surrounding area. The Conservation officer and County Highways have no objection to the proposal on insufficient on site parking provision.

CONSULTATIONS

Environmental Health

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Engineers (Coastal Protection)
Conservation Officer
WSCC Strategic Planning
Environment Agency

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - The site is within flood zone 3, the environment agency were consulted on the previous application where a condition regarding minimum required finished floor levels was requested. I presume this will be applied to this application. The applicant has also stated that the applicant will register with the flood warning service and form a flood plan.
Please apply standard drainage condition.

Conservation Officer - it is clear that there are a number of minor alterations that have been made to the revised scheme, in order for it to be accurately drawn.

The structure which accommodates the stairs which service the roof garden appear to be substantial in size, especially when compared to the consented scheme. If it should be this size, the materials used to clad it should be such that its impact is minimised.

Reference is made to the removal of the first floor south facing balcony and French windows within the Design and Access Statement, but they still appear on the plans and it is not clear which approach is correct. The balcony and French windows should remain as part of the scheme, and would enhance the elevation. The approved railings should be retained.

As previously noted, the property is constructed in an attractive brick bond that should be replicated as part of the proposal. Details, along with a sample panel of the bond and quoining details should be provided by way of condition.

The rooflights should also be of conservation standard so as to reflect the character of the building and the local area.

County Highways - No Objection

The proposed represents an increase of +2 residential units over what was previously approved under LU/197/17/PL.

In highways terms this increase in residential units would increase the anticipated car parking demand created by the development. A total of 4 car parking spaces will be provided to serve the 8 flats, presumably on an unallocated basis.

Using the plans submitted it would be anticipated that a development of this size in this location would attract the demand for 6 car parking spaces. While there is a shortfall of 2 spaces the existing use of the site must be taken into consideration. The existing D2 use would have attracted a significant quantity of parking demand (1 space per 22sqm); taking into consideration the loss of D2 use class the overall parking demand of the proposed would be considered lower than the existing use of the site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Engineers condition has been imposed and the materials of the stair structure serving the roof garden and brick bond are also conditioned. The railings and upper ground floor balcony and French windows have been retained as part of the scheme and all roof lights are noted on the Roof Plan and North and East elevations as conservation style.

POLICY CONTEXT

Designation applicable to site:
 Within Area of Special Character
 Building or Structure of Character
 Class C road

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)
WDM2	W DM2 Flood Risk
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development

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

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

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. 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;

Policies 1, 2 and 17 of Littlehampton Neighbourhood Plan are considered relevant to the consideration 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 not considered to comply with relevant Development Plan policy in that the development will not harm the character and appearance of the locality or the residential amenities of neighbouring properties.

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 contained within relevant policies of the Arun Local Plan mainly DDM1, DDM4 and DSP1 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area. The proposal is considered to be in keeping with its urban setting and to accord with policy. The made Littlehampton Neighbourhood Plan (2014) contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 2 - Spatial Plan for the Town

Policy 17 - Buildings and Structures of Character

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 states :

The Neighbourhood Plan concentrates future housing, within the built up area of Littlehampton. The proposal accords with this policy.

Policy 17 states that the effect of the proposal on non designated heritage assets will be taken into account in determining applications to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The proposal is considered to minimise the impact on this heritage asset.

The principle of the development has already been approved under LU/197/17/PL. It is only the impact on the number of units and change to the appearance of the proposal and the resultant impact on the

character and appearance of the area and residential amenity which can be considered.

IMPACT ON CHARACTER AND VISUAL AMENITY

The existing building is located on a prominent corner at the junction of Bayford Road and South Terrace and is significantly lower than the surrounding development on both of the roads onto which it fronts. The building currently appears squat in both street scenes. The height of the building proposed would reflect that of the adjacent buildings. The proposal would retain a gap to the north and would therefore retain the separate identity of the building when viewed from Bayford Road. The roof pitch, window style and proportions would be in keeping with its neighbours. The extension would be no closer to either road frontage than the existing building. Pitched roof dormer windows exist on the front elevations of buildings fronting Bayford Road and the proposal incorporates similar style windows on this elevation.

The existing style of the property is to be retained and replicated throughout the proposed scheme in both materials and architectural details and conditions are imposed to ensure this is achieved. The extensions would be in keeping with the character of the existing building and the height and proportions of the building would be in keeping in the street scene and would reflect the scale of adjoining properties fronting South Terrace. The roof level has been raised in this application but it is kept below the roof height of the adjoining properties and the existing form is to be replicated as closely as possible. The addition of dormer windows and roof lights to facilitate the creation of two flats at second floor level have a negligible impact on the character of the street. The North facing dormer window replicates the size and relative positing on the roof slope of that of the other previously approved West, South and East facing dormers.

As a result the appearance of the building would reflect that of adjoining properties.

The extant planning permission is a material planning consideration. Policy DDM4 requires extensions to be subservient to the host property. There was not such a policy requirement when the previous application was determined. Whilst the proposal would significantly increase the height of the property and would be visually prominent, the resultant building would not appear out of keeping with neighbouring properties and would enhance the appearance of the area.

The existing service yard is currently an open, unattractive area used for parking and external storage of supplies and waste. The creation of a purpose built, secure refuse and cycle storage buildings, clearly marked parking spaces and the addition of planting and railings will improve the appearance of this area.

Following negotiations the existing upper ground floor balcony has been reinstated to retain more of the character of the existing building.

To achieve suitable floor to ceiling heights and floor thicknesses between flats, the height of the proposed building as a whole has been marginallly increased (by 0. 5m) from that approved under LU/197/17/PL. This is due to a drafting error contained in the previously submitted and approved drawings which can be spotted by comparing the section and elevation drawings.

The Area of Special Character is defined by the formal, cohesive and attractive appearance of the group of buildings forming this part of South Terrace. Boundary walls and traditional timber windows contribute to the character of the area. The extensions have previously been approved. The railings which define the southern boundary are proposed to be extended along the Bayford Road elevation and this would be a positive addition re-enforcing the sense of enclosure.

The building is on the local list and is defined as a building of character. Therefore its appearance should not be damaged by inappropriate development. The proposal relates mainly to internal alterations and would not significantly adversely affect the external appearance of the building. The continued use and

maintenance of the building is welcomed. The attractive entrances to the building from Bayford Road and South Terrace would be retained and remain unaltered.

The proposal therefore makes a positive contribution to the character and appearance of the Area of Special Character and the Building of Character in compliance with policies HERDM4 and HERDM2 of the Local Plan.

SPACE STANDARDS

The proposal accords with the Nationally Described Space Standards. This requires a minimum gross internal floor area of 50 m² for a single storey 1 bedroom 2 person dwelling and 39m² for single occupation. The internal floor areas of the one bedroom unit is approx. 66msq, 58msq , 84msq, 53msq and 67m squared. The two bedroom 3 person space standard is 61sqm and 70sqm for 4 person occupation. The proposed units are 109.2sqm, 64sqm and 92sqm. The proposal therefore provides a satisfactory living environment for the occupiers and would not adversely affect their residential amenity.

The proposal includes a communal garden area to serve the flats and all have a separate amenity area and the upper floor flat has a roof garden. Further external space is available in that the flats are also located close to the seafront and areas of public open space.

RESIDENTIAL AMENITY

The proposed development will not have an unacceptable adverse impact upon the residential amenities of adjoining occupiers. The loss of part of the existing club use on the ground floor which generates noise and its replacement with a residential use represents a reduction in noise generation from the site and an improvement in relation to the impact on adjoining neighbours. However even though the club use at lower ground floor has ceased it could be reinstated and noise could be generated from the remaining lower basement leisure use . That is why condition relating to noise insulation is recommended.

The existing windows in the West Elevation of No 89 South Terrace serve a staircase and are therefore considered non-habitable. Existing windows in the East elevation of No 90 & 91 South Terrace are to be reduced in number overall. There is no over-looking at present and the proposal does not alter this. There is an additional dormer window in the north elevation of the roof serving a bedroom which is positioned above a first floor bedroom. There are existing and approved windows in this elevation and it is not considered that any additional materially adverse overlooking would result to the adjoining properties at 134 Bayford Road which are separated from the application site by the parking area and are 8m from the side elevation.

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.

HIGHWAYS

County Highways have no objection to the proposal in terms of parking or access. Four off-street parking spaces have been provided for the future residents. It is noted that this is a shortfall as the anticipated demand would be six spaces.

The site is sustainably located, there are no road parking restrictions and there are alternative modes of transport available to future occupiers. In addition, the previous leisure use of the site would have generated more demand than that which results from the scheme proposed.

FLOODING

The site lies within Flood Zone 3 (High probability of flooding), but the residential development would be located above the worst case flood scenario level. A condition is imposed to ensure development proceeds in accordance with the submitted flood risk statement. The Environment Agency had no

objection to the previously approved scheme. 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.

CONCLUSION

The proposed scheme would only marginally alter the appearance of the previously approved scheme and 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:
955_90ST_X000 REV *
955_90ST_X001 REV *
955_90ST_X002 REV *
955_90ST_X003 REV *
955_90ST_X004 REV *
955_90ST_X005 REV *
955_90ST_X006 REV *

955_90ST_X007 REV *
 955_90ST_X008 REV *
 955_90ST_X009 REV *
 955_90ST_X010 REV A
 955_90ST_X011 REV *
 955_90ST_X012 REV *
 955_90ST_D101 REV *
 955_90ST_D101 .1 REV *
 955_90ST_D102 REV A
 955_90ST_D102.1 REV A
 955_90ST_D103 REV *
 955_90ST_D104 REV A
 955_90ST_D105 REV B
 955_90ST_D106 REV B
 955_90ST_D107 REV A
 955_90ST_D108 REV A
 955_90ST_D109 REV B
 955_90ST_D110 REV B
 955_90ST_D111 REV B
 955_90ST_D112 REV A
 955_90ST_D113 REV *
 955_90ST_D114 REV A

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 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 5.0 m above Ordnance Datum (AOD).
2. 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 impact of flooding on the proposed development and future occupants. In accordance with policy WDM2 of the Arun Local Plan.

- 4 Prior to the occupation of any of the units a sound insulation scheme shall be submitted to and approved by the Local Planning Authority. This shall include post validation testing to determine compliance with BS8233:2014. The development shall proceed in accordance with the approved details.

Reason: In the interests of residential amenity of neighbouring properties in accordance with Arun Local Plan policy QE DM1.

- 5 The flats shall not be occupied until the car parking spaces shown on the submitted plans have been provided and constructed in accordance with the approved upper ground floor plan. The spaces so provided shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy DDM1 of the Arun Local Plan.

- 6 The flats shall not be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans and thereafter the space shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DDM1 and TSP1 of the Arun Local Plan.

- 7 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 8 No development above damp proof course (DPC) level shall take place until a sample panel incorporating the replica brick bond and quoining details of the external finishes (including the proposed, style, coursing and mortar ratio) have been constructed on the site, and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the construction specification for the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 9 No development above first floor level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed roof garden staircase have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the staircase.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the Building of Character by endeavouring to achieve a building of visual quality in accordance with policies HERDM2 and DDM1 of the Arun Local Plan.

- 10 The materials and finishes of the external walls and roofs of the extension (excluding the staircase to the roof garden) and cycle/bin store hereby permitted shall match in colour and texture those of the existing buildings.

Reason: In the interests of amenity in accordance with policy DDM1 of the Arun Local Plan.

- 11 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (PJC-0790-002). All planting, seeding or turfing comprised in the approved details shall be

carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy DDM1 of the Arun Local Plan.

- 12 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.
- 13 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are available on our website <https://www.arun.gov.uk/surfacewater> and are also available on request.
- 14 INFORMATIVE: In addition to our previous comments we recommend that the applicant registers with the Environment Agency's Flood Warning, which should form part of a Flood Plan. Future occupants should be aware as to what actions to take in a severe flood risk scenario. This measure was identified in the previous planning application LU/84/16/PL, Flood Risk Assessment, but has not been included in this revised application.
- 15 INFORMATIVE:
 - Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"
 - There should be adequate fire separation between the commercial unit/leisure use and the residential flats above.
 - A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from the bedroom in Flat B is via the living room, this can be overcome by ensuring that the window in the bedroom is an escape window and adequate fire protection within the flat.
 - The development must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards and must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016).