

Recommendation Report for Planning Permission

REF NO: LU/328/19/PL

LOCATION: 52 High Street
Littlehampton
BN17 5SY

PROPOSAL: Variation of condition 2 imposed under LU/154/19/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above, the proposal is for the variation of Condition 2 imposed under LU/154/19/PL. The description of the previous permission, LU/154/19/PL, was 'the proposal relates to the change of use of the ground floor banking hall to retail and alterations to the shop front to create an improved shop window area including re-locating the shop entrance doors and formation of a new entrance door to serve the flats on upper floors. It also includes the following: - Internal alterations to create 3 flats. - Conversion of single storey rear building with addition of new upper floor to create an additional 1 bedroom dwelling. - Alterations to existing parking area - Removal of roof mounted air con units and relocation The alterations proposed within the drawings submitted for this variation of condition application are: 'DWG. TP.01REV.B Central entrance doors retained as existing including ramped access. See elevation Alteration of existing window not to be doors but cill dropped as *. See elevation New beam added across retail area as * Staff WC altered as * Door to rear yard/window omitted. See* Ground Floor of Cottage: 1. Entrance door relocated to side, stair relocated. 2. Living, Dining, Kitchen moved to First Floor and Bedroom, Bathroom moved to Ground Floor. 3. Balcony design changed to bolt-on in place of steel frame. Rear amenity space altered and bin stores altered and relocated and parkins space slightly moved. DWG.TP.02REVB Study, Bedroom floors raised to level of window platform.
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Study changed to Bathroom.
Study in place of Bathroom.
Roof of bin store altered to suit relocation/redesign.
Roof altered to omit extension over balcony.

DWG.TP.03REVB

Flat 3 Second Floor Door and wall of Bedroom reconfigured.
Flat 2 Second Floor Entrance lobby enclosure altered.
Flat 2 Second Floor Kitchen relocated, Study or Utility in place of Kitchen.
Flat 2 Third Floor Bathroom enlarged.
Flat 2 Third Floor Balcony altered.

DWG.TP.03REV A

Shape of balcony at second floor altered as noted above.

DWG,TP.05REVA

White render in place of tile hanging now matching adjoining rear buildings.
Repositioned Cottage entrance door and altered balcony.
Screen walls and bin stores altered.
Altered roof shape shown.

DWG, TP.06REVA

Roof shape, balconies, render finish as noted above.
Window added at Ground Floor level of Cottage.

DWG.TP.07REVB

New Velux at 3rd floor and infill window.
Alterations to rear Cottage and Bin store shown as above.
Front Elevation
1. Centre doors retained, side window cill lowered to ground level.
2. Left hand opening new doors now omitted, window cill lowered to Ground level.

DWG.TP.08REVA

Amended as at Item2 above.

DWG.TP.09REVA

Third Floor section altered to show enlarged Bathroom and altered balcony.

DWGTP.10REVA

Internal alterations to rear Cottage plus altered balcony and roof shape shown.
Altered design of Bin stores shown.

DWGTP.11REVA

Amended to include alterations as listed above.'

Amended plans were received on 7th January which change

	the proposed Living, Dining, Kitchen to Ground Floor and Bedroom, Bathroom moved to 1st Floor. All parties were again re-consulted.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Frontage on back edge of footpath, rear is enclosed by metal fencing approximately 2m high
SITE CHARACTERISTICS	Former bank premises. Currently empty. Banking services were undertaken at ground floor with staff facilities and storage above. Terraced property with dark brown colour openings at ground floor and white fenestration above. Brick built single storey flat roofed extension to rear.
CHARACTER OF LOCALITY	Town Centre location with retail/restaurant uses at ground floor and offices/residential uses above.

RELEVANT SITE HISTORY

LU/191/19/PD	Notification for Prior Approval for a Change of Use from Financial and Professional Services (Class A2) to Restaurant (Class A3) and alterations to High Street shopfront, provision of extract duct & formation of bin store.	No Objection 14-10-19
LU/154/19/PL	Change of use of ground floor from banking (A2 Financial & professional services) to retail (A1 Shops), permitted development to form 2 No. flats above plus 1 No. further flat & extension to form 1 No. two storey dwelling & ancillary alterations.	ApproveConditionally 10-09-19
LU/159/15/PL	Deep clean & redecoration of existing external surfaces & the replacement of 1no external ATM machine & internal alterations.	ApproveConditionally 06-07-15
LU/160/15/A	1No. internally suspended illuminated chevron sign, 1No. web & telephone glazing vinyl onto one window to front elevation & 1No. internally suspended illuminated A1 light pocket to front elevation. This application may be determined by Littlehampton Town Council under delegated powers	ApproveConditionally 21-07-15
LU/3/15/A	1 No. internally illuminated fascia sign, 1 No. internally illuminated hanging sign, 1 No. non illuminated vinyl	ApproveConditionally 20-02-15

tablet sign & 1 No. non illuminated opening hours sign on front elevation.

LU/88/05/	Installation of hand rail to flat roof for safe access.	Inc Docs Ret'nd 25-04-05
LU/236/02/A	Various illuminated signage	Apprvd/Cond ADV 11-10-02

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Town Council

Littlehampton Town Council- The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 9th December 2019 and objected to the application. Observing the reservations expressed by the Environment Agency in connection with the proposed change in accommodation, the Committee supported their objection.

Following re-consultation on amended plans the Town Council removed their objection at their meeting on Monday, 3rd February.

No letters of representation have been received.

CONSULTATIONS

Conservation Officer

Environmental Health

Environment Agency

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Environment Agency: Object to the variation of condition 2 imposed under LU/154/19/PL relating to approved plans.

Following our previous response, a condition was imposed that sleeping accommodation was placed on the first floor and above. In the submitted revised drawings, bedrooms are now being placed on the ground floor, presenting an increased flood risk to occupants for the lifetime of the development.

Reason: The site lies within Flood Zone 3 which is land defined by the planning practice guidance as having a medium probability of flooding. Notwithstanding the mitigation measures proposed, the risk to life and/ or property from Tidal inundation would be unacceptable if the development were to be permitted.

The application does not demonstrate that occupants can remain safe for the lifetime of the development when allowances for climate change are taken into consideration.

Overcoming our objection

To overcome our objection, the applicant should submit evidence to demonstrate that the proposal will not pose a risk to life as highlighted above. We would recommend that the applicant reverts to the original plans that we previously conditioned and commented on.

If this can not be achieved, we are likely to maintain our objection. Please re-consult us on any revised proposals.

-Following re-consultation the Environmental Agency removed their objection on the 22nd January 2020 on the basis that the bedrooms were above ground floor level.

Legal view

The proposed changes do not alter the description of the development and in accordance with Case Law Finney it can be dealt with via a s73 application.

Southern Water- No objections

Drainage Officer- No objections

Conservation Officer- The building has been identified by the Council as a Local Listed Building or Structure of character. As such it is a non-designated heritage asset. It is noted that permission has already been granted for a number of alterations to the building. The current applications seek to revise the approved scheme. I have reviewed the plans and it is considered that the scale of the changes are such that they will not have a negative impact upon the significance of the building. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments

COMMENTS ON CONSULTATION RESPONSES:

In terms of the Legal advice received it was stated that 'There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

The planning authority cannot use section 73 to change the description of the development. It is a matter of planning judgment whether the application proposed changes the description of the development, if it does, then in accordance with Finney it should not be dealt with via a s73 application.

In this case it is not felt the proposed changes would change the description of development.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area
 Within Town Centre
 Primary Retail Frontage
 Flood Zone 3
 Locally Listed Building

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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

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.

Policies 1, 2 & 17 of Littlehampton Neighbourhood Plan are considered relevant.

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 policies in that it would have no 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application relates to several changes as outlined above to the approved extensions. The principle of the development has been agreed.

Policy D DM1 sets out 13 design aspects against which applications should be assessed against. These include: Character, Appearance, Impact, Layout, Density and Scale.

Policy D DM4 sets out criteria against which applications relating to extensions and alterations of existing buildings must be assessed. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

DESIGN AND VISUAL AMENITY

The proposed alterations are in sympathy with the appearance of the host dwelling and would be visually integrated. They would not result in a development that is prominent within the street scene. This aspect of the application is considered to be in accordance with D DM1(2) and D DM4(a) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed alterations are not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon the residential amenity of neighbours.

The application proposes alterations to the fenestration of the property as a whole. None of the changes, as outlined above are considered to result in any significant change in any potential overlooking or loss of privacy to adjacent occupiers. The proposed ground floor bedroom has been repositioned on the 1st floor. The size, height and dimensions of the extensions remain unaltered.

Therefore, the proposed development is deemed to accord with policies D DM1(3) and D DM4(c) of the Arun Local Plan.

FLOODING AND HERITAGE CONSIDERATIONS

The rearrangement of accommodation means that the EA have no objection on the principle of danger to life from flooding and the changes are not harmful to the integrity of the heritage asset of this building of local character.

SUMMARY

It is not felt the application proposed changes the description of the development and that the totality of changes proposed can be dealt with through this variation of condition application. The application is recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

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:

Proposed: 011218: TP.01REV.C, TP.02REV.C, TP.03REV.B, TP.04REV.A, TP.05REV.A, TP.06REV.A, TP.07REV.B, TP.08REV.A, TP.09REV.A, TP.10REV.A, TP.11REV.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 shall be carried out in accordance with the submitted plans (ref Basement and ground floor plan as proposed 011218 Rev C, First floor plan as proposed 011219 Rev C: 52 High Street, Littlehampton) and the following mitigation measures it details:

- Sleeping accommodation is to be located on the first floors and above

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout.

Reason

To reduce the risk to the proposed development and future occupants in accordance with policy W DM2 of the Arun Local Plan..

- 4 **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.

- 5 We strongly recommend the use of flood resistance and resilience measures. 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 building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.