

Recommendation Report for Planning Permission

REF NO: LU/357/18/PL

LOCATION: 18-22 East Street
Littlehampton
BN17 6AW

PROPOSAL: Change of use from former doctors surgery (D1 Non-residential Institutions) to private detox & rehabilitation clinic (C2 Residential Institutions). This application affects the character & appearance of the East Street Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for change of use of the premises only. No physical external alterations are proposed as part of the application. At ground floor it is proposed to have kitchen, living and dining areas together with an Admin/Staff office and high dependency bedroom which will have 24hr supervision. At first floor, the accommodation provides 4no ensuite bedrooms which can either be used as single or twin rooms. Number 22 East Street will provide primarily office functions at ground floor with staff accommodation at first floor together with two further bedrooms for clients, if necessary. The proposed private detox and rehabilitation clinic will be run by a professional team of staff, comprising a Clinic Manager, Nursing Manager, 5 Nursing Staff working 12 hour shifts, 2 admin/office staff, Therapy Manager , 3 therapists/support workers, a cook, a housekeeper and a cleaning assistant.
SITE AREA	0.09 hectares
TOPOGRAPHY	Predominantly flat. The site has a slight incline, rising from the north (front) to the rear (south) of the site.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling to approx. 2-3m height enclosing rear garden. To frontage walling to approx 1m.
SITE CHARACTERISTICS	Former doctors surgery occupies two adjacent properties 18 - 22 East Street. These properties sit at an end to a group of similarly constructed two-storey properties characterised by flint with red brick quoins and course detail. Other features also include front gable bargeboards with finial and brick chimney together with small front gardens. A wide and deep stepped entrance has been created to the

main entrance of the former doctors surgery (18/20 East Street) at the eastern side of the front elevation with the western side given over to parking for one vehicle. The rear gardens to both of these properties have at some point been covered with concrete hardstanding to create further parking spaces ancillary to the surgery.

CHARACTER OF LOCALITY

The area is part of a residential street comprising a uniform character with older style 2 storey semi/detached properties of similar appearance in medium plots set back from the highway with gardens to the front and rear within an urban environment on the edge of the town centre. To the west of the site is 'The Flintstone Centre', an alternative provision college. This site adjoins the tarmacadam playing area associated with the centre.

RELEVANT SITE HISTORY

LU/41/65	Addition Of Surgery And Living Accommodation	ApproveConditionally 08-04-65
LU/65/17/PL	Change of use from Doctors Surgery (D1 Use Class) to (C3 dwelling houses) comprising 1no. 4-bed dwellinghouse & 1no. 3-bed dwellinghouse. This application affects the character & appearance of the East Street, Littlehampton Conservation Area & the setting of a Listed Building.	ApproveConditionally 15-05-17
LU/95/01/	Change of use from residential to form additional doctors accommodation including consulting suites.	ApproveConditionally 05-06-01
LU/490/89	Change of use of first floor from residential to Doctors' Surgery (Ancillary to ground floor use) and extensions to rear.	ApproveConditionally 12-02-90
LU/294/89	Extension to provide additional surgery accommodation at ground floor level, change of use of first floor from flat to offices including external stair.	ApproveConditionally 30-08-89
LU/97/89	Extension to provide additional surgery accommodation at ground floor level, extension and conversion at first floor to 3 No. one bed flats.	ApproveConditionally 17-04-89

The previous application LU/65/17/PL was granted planning permission to convert number 18/20 East Street to 1no. 4-bedroom single dwellinghouse and number 22 East Street to 1no. 3-bedroom dwellinghouse. That planning permission was not implemented in full, in that neither of the buildings has been occupied for residential purposes, and as such this change of use application is assessed against the former doctor's surgery use and not residential.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No Objection

5 Objections

- The site is next door to West Sussex Alternative Provision College, a Pupil Referral Unit which caters for the most vulnerable and challenging young people. The proximity of the school boundary is adjacent to the proposed centre and the risk of safeguarding is extremely high.
- Residents feel they have not been consulted. This is an issue when applications are received only advertised by sticking a poster on a lamppost rather than writing to neighbours.
- Since the external works were done to this property by the applicants a number of lights have been installed on the rear wall. These emit an extremely bright white light that shines into neighbouring garden, kitchen and sitting room, so impacting on neighbours. Could the permissions include restrictions on the type of lighting permitted and the hours of illumination?
- From the rear, the property now resembles a commercial premises, out of keeping in a residential area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application has been advertised in accordance with procedure.

External lighting could be controlled by environmental health if it caused a statutory nuisance.

The agent has advised that proposed use would operate as a private rehabilitation practice. It will be a fully accredited CQC operation, supported by a highly qualified professional team. It will provide short-term residential accommodation with an element of care, and will be based on a referral system (not a walk-in system) which is unequivocally supported by a Consultant Psychiatrist based at The Brighton & Hove Clinic and a local GP with Worthing Medical Group). It is therefore considered that any conflict with the use of the adjacent premises could be adequately managed.

CONSULTATIONS

Environmental Health

Conservation Officer

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection

The properties are located within the East Street Conservation Area, and have been identified by the LPA as Buildings or Structures of character. The proposal relates purely to a change of use, and further, minor internal alterations to the properties.

As such, it is considered that the proposal will have a neutral impact upon the conservation area.

Environmental Health - No Objection

- More detail is required regarding the proposed plant room
- Works of demolition or construction, including the use of plant and machinery, necessary for the implementation of this consent should be limited
- Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS 8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS 8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit(s) from noise.
- The sound insulation between the subject property and the adjoining property shall achieve a minimum airborne sound insulation value of 48dB (DnTw + Ctr dB). Prior to occupation of the residential unit(s), a test shall be undertaken to demonstrate compliance with this level.
- Any external lighting to the property shall be installed and maintained in a manner to ensure the light does not have the potential to cause a statutory nuisance to neighbours.
- The owner(s) of any commercial property built before 2000 are legally obliged to hold a copy of an asbestos register for each property.
- A condition relating to a preliminary contamination risk assessment is requested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Given the previous use as a doctors surgery and residential, with the exception of the plant room details, it is not considered that the conditions requested by environmental health would be reasonable.

POLICY CONTEXT

Designation applicable to site:
 Building of Special Character
 Part of site lies within Flood Zone 3
 Conservation Area

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

HERDM3 HER DM3 Conservation Areas

TSP1 T SP1 Transport and Development

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

Littlehampton Neighbourhood Plan 2014 Policy 6

Residential development involving the loss of community facilities

Littlehampton Neighbourhood Plan 2014 Policy 17

Buildings and Structures of Character

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.

Policies 1, 2, 3, 6 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 considered to comply with relevant Development Plan policies in that

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Conservation 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 of Development

The site is located within the built-up area where the principle of development is acceptable. 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 that 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 development within the built-up area boundary of Littlehampton is supported in policy terms subject to acceptable design, scale, form and appearance.

The site is situated within a highly sustainable location and on the fringe of the Fitzalan Corridor, where Neighbourhood Development Plan Policy 3 seeks to locate development. Therefore, the principle of a change of use from D1 to C2 Use Class is appropriate subject to satisfying all other relevant considerations, and in particular the 'loss of community facilities'.

The loss of the former doctors surgery has already been accepted under planning permission LU/65/17/PL. Policy 6 of Littlehampton Neighbourhood Plan 'Residential development involving the loss of community facilities'. This policy sets a presumption against development which would result in loss of community facilities. At the time of application LU/65/17/PL it was demonstrated that the existing doctor's surgery buildings were vacant and surplus to NHS requirement. This was supported by a statement from the NHS. As such the change of use to residential has been allowed previously and is a material planning consideration. The information provided was sufficient to demonstrate that the loss of the previous community facilities were satisfactorily relocated and no objection was raised to the application. This previous planning permission has not been implemented in full such that the buildings have not been occupied for residential purposes, and therefore the proposal will be considered against the 'loss' of

health care services rather than the 'loss' of residential units. In this regard, the primary consideration is whether the proposed C2 Use Class is acceptable in this location.

Planning permission LU/65/17/PL proposed to create 2 no self-contained residential properties, whilst the current proposes to use these two buildings for a Private Detox and Rehabilitation Clinic.

This proposed development will provide short-term residential accommodation with an element of care, and will be run by a professional team of staff. The site is appropriately located within a sustainable area and the proposed use is a much needed addition to the local healthcare and will help to address the shortage of similar such facilities in the area.

The principle of the residential use of the building would be similar in nature to that of neighbouring residential properties. Based on the above, the proposals to convert the existing doctor's surgery to a Private Detox and Rehabilitation Centre (Use Class C2) is appropriate for the location and would accord with policy DDM1 of Arun Local Plan.

Impact on Character and Appearance of the Conservation Area

The existing building is prominently located close to the East Street road frontage and its junction with Franciscan Way. The site lies within the East Street Conservation Area. No extensions are proposed and most of the rear of the site is already laid out for car parking. It is not anticipated that the change of use would have any materially adverse external effects on the character or appearance of the Conservation Area or the area generally. It is therefore considered to accord with policies DDM1 and HERDM3 of Arun Local Plan.

Impact on Building or Structure of Character

Policy HERDM2 of Arun Local Plan states planning permission will not be permitted for alterations, extensions or other development which would adversely affect the appearance of such buildings or structures. The exception is where a redevelopment results in an overall design improvement and benefit to the character and appearance of the area. The significance of heritage assets is also noted in Policy 17 of Littlehampton Neighbourhood Plan.

Given that the application relates to the use of the building only it is not considered that there would be any materially adverse effect on the features of the building which contribute to its interest.

Flood Risk

According to the Environment Agency's flood risk mapping, a small part of the application site falls within Flood Zone 2/3. These areas are classified as being potentially affected by flooding from either river or sea, if there are no flood defences.

There are no records of flooding within the vicinity of the site and a Flood Risk Assessment has been submitted with the application. As the proposals are internal only, there will be no change to the existing drainage regime.

The only significant risk of flooding would be via the River Arun however the risk would only be applicable some 50 years from now with the impact from climate change. The building itself is currently protected for up to the 1 in 1000-year flood. Littlehampton is also currently defended by recently constructed flood defences generating a protection of up to the 1 in 300 year flood event. Whilst there is risk to the occupants should flood waters pose a risk to the building, it is deemed as being mitigated by the fact that the users of the facility may reside in a more dangerous and unprotected situation should the facility not be made available to them.

By employing the flood evacuation plan, the occupants will have sufficient time to evacuate the facility to a pre-agreed safe location from flood waters. There will also be time for the facility manager to mount the flood barriers and ensure that the building is protected as far as reasonably practical to permit the occupants back into the facility as soon as possible once the flood waters have receded and the facility be deemed as safe. The facility will be staffed 24 hours a day.

The Environment Agency have not been consulted on the FRA but it is considered that provided the mitigation is controlled by condition the flood risk at the site would be acceptable. The premises is located in a residential area adjacent to other residential properties.

Car Parking and Highway Safety

County Highways have not been consulted on the application given that the existing access and parking area are being used to serve the development and the traffic associated with the use is likely to be less than or the same as that generated by the former doctor's surgery use.

The site is sustainably located within 300m of the town centre and the nearest bus stop is 210m to the south west. The train station is approximately 600m away. The submitted Transport Statement indicates the existing Doctors Surgery will generate approximately 26 vehicle trips in the weekday AM Peak, twenty vehicle trips during the weekday PM Peak and a daily total of circa 310 vehicle trips.

The proposed clinic will generate no more than two vehicle trips on the network during the peak hours, and 18 trips over the whole day. The peak hours for the proposed use 9am to 10pm and 4pm to 5pm. This is due to staff change overs occurring outside the traditional peak periods and the specialist and residential nature of the treatment plan, which means that visitors and new patient trips will be kept to a minimum.

It is considered that any proposed change of use will not have any detrimental impact on the existing road network, as any trips associated with the private detox rehabilitation clinic are likely to represent a significant reduction compared with the previous permitted use of the site. The proposal therefore accords with policy TSP1 of Arun Local Plan.

Residential Amenity

The proposed facility will have 24-hour nursing/staff provision and a maximum of eight patients in accommodation at any one time. Patients will attend for a four week alcohol and recreational addiction treatment plan.

Policy D SP1 of the Local Plan indicates planning permission will be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. In this case, it is considered that the proposed development for C2 Use Class would be acceptable in terms of impact on neighbouring uses and occupiers given the largely residential character of this area, including future occupiers of residential properties to the rear.

There would be an approximate 30m back-to-back distance between number 18/20 East Street and the dwellings under construction at the Old Dairy, Church Street. This separation distance between properties was deemed to be acceptable when the development of this neighbouring site was considered and the buildings are not being extended.

Some degree of noise would likely arise from service users of the adjacent Flintstone Centre. There would be some degree of noise associated with the proposed use, and which will not be dissimilar to previous use of the site for D2 purposes. Indeed, the activity levels generated are likely to decrease.

Conclusion

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 Plan
 Block/Site Plan
 Proposed Plot 18-20 Floor Plans L(01)03
 Proposed - Plot 22 Floor Plans L(01) 04

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) Reference C1063 revA dated 11-06-2018, and the following mitigation measures detailed within the FRA:

1. Air Bricks - Each air brick should be replaced by a SMART AirBrick or similar
2. Demountable Flood Barriers to external doors - These are to be erected upon flood warning
3. Repointing existing brickwork - This will slow the ingress of water through brickwork
4. Flood Management and Evacuation Plan

Reason: To ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 4 Works of demolition or construction, including the use of plant and machinery, necessary for the implementation of this consent shall be limited to the following times:
 08.00 - 18.00 hours Monday to Friday
 08.00 - 13.00 hours Saturday
 No work permitted on Sunday or Bank Holidays

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 5 Prior to occupation of the premises precise details of the proposed plant room occupying the lower ground floor of no. 22 East Street (including the type of plant, hours of operation, noise reduction measures, etc.) shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the details so approved.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 6 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.

- 7 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property. As this is being renovated to include a residential element, the Council needs to be satisfied that if any asbestos is present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold to asbestos exposure. A copy of the asbestos register - and any remedial strategy, where appropriate - should be provided to the Council, prior to works commencing