

Recommendation Report for Planning Permission

**REF NO:** LU/390/17/PL

**LOCATION:** Littlehampton Covered Market  
26-28 Surrey Street  
Littlehampton  
BN17 5BG

**PROPOSAL:** Demolition of existing building & erection of 1 No. retail unit & 3 No. flats above with associated external works & access. This application may affect the setting of Listed Buildings & the character & appearance of the Littlehampton (River Road) Conservation Area.

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above. The proposal relates to the provision of a 3 storey property on the frontage with a 2 storey section to the rear. The ground floor would comprise 3 parking spaces and a retail unit, the first floor would accommodate a one bedroom flat and a 2 bedroom flat and the second floor a 2 bedroom flat. A small communal area would also be provided at ground floor to the rear. |
| SITE AREA                             | 364.47sq m                                                                                                                                                                                                                                                                                                                                                                                 |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                                                                                                                                                                                                                        |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                        |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                             |
| BOUNDARY TREATMENT                    | Building is located on the site frontage. 2m high fencing to rear.                                                                                                                                                                                                                                                                                                                         |
| SITE CHARACTERISTICS                  | Semi detached 2 storey building with a dormer opening in the roof. White painted rendered elevations to front and side. Flintwork to rear and plain tile roof. There is currently no parking provision on the site                                                                                                                                                                         |
| CHARACTER OF LOCALITY                 | Town centre location. Predominantly retail use at ground floor and residential/ commercial above.                                                                                                                                                                                                                                                                                          |

**RELEVANT SITE HISTORY**

|           |                                                             |                                  |
|-----------|-------------------------------------------------------------|----------------------------------|
| LU/177/75 | O/A For Extension Of Repair Sales Area By Approx 5000 Sq Ft | ApproveConditionally<br>08-08-75 |
| LU/178/75 | O/A For Extension Of Retail Sales Area By 5000 Sq Ft        | ApproveConditionally             |

08-08-75

|              |                                                                                    |                                  |
|--------------|------------------------------------------------------------------------------------|----------------------------------|
| LU/232/75    | Extension Of Retail Use To Whole Premises                                          | Refused<br>12-09-75              |
| LU/60/60     | Extension Of Existing Motor Showrooms                                              | Approve<br>16-04-60              |
| LU/297/15/PL | Variation of condition 7 imposed under LU/517/04/ to omit gates from High Street.  | ApproveConditionally<br>26-11-15 |
| LU/33/95     | Conversion of first and second floors to form two self-contained flats             | ApproveConditionally<br>05-05-95 |
| LU/209/87    | Change of use of part of shop unit to hot food take-away. New shopfront and blind. | ApproveConditionally<br>20-07-87 |

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No Objection - Question whether the planned layout of the ground floor was suitable for the envisaged retail use as it appeared limiting. Observing that vehicle access to Surrey Street would be across a pavement, the Committee had no objection to the proposals subject to the comments from West Sussex Highways as the Highways Authority.

### COMMENTS ON REPRESENTATIONS RECEIVED:

County Highways have no objection to the proposal.

## CONSULTATIONS

Conservation Officer  
Listed Building Officer  
Engineering Services Manager  
Engineers (Drainage)  
Economic Regeneration  
WSCC Strategic Planning

Environment Agency  
Environmental Health  
Conservation Officer

## CONSULTATION RESPONSES RECEIVED:

County Highways - The Local Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent conditions and an informative note would be advised:

Environment Agency - No Objection. The proposed development will meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment (November 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

### Conservation Officer - First Response

The proposal site is adjacent to Littlehampton (River Road) Conservation Area, and adjacent to a number of listed buildings, namely; 20-24 Surrey Street (evens); The White Hart Public House, Surrey Street; 31-37 Floyds Corner, Surrey Street. It is also opposite/would affect the setting of several Buildings on the List of Buildings of Special Character, namely, FW Woolworth 19-23 Surrey Street; Mulbery Wines, Pier Road and 17 Surrey Street:

The proposal is to demolish an existing building and replace with a 3-storey building comprising shops with accommodation over. The proposed demolition is regrettable as the existing is a characterful foursquare, flint walled structure under a slate roof.

It is considered that the proposal is overly dominating in scale and ridge height, and does not respond to the natural rise of the topography up Surrey Street. The effect of the proposed would be to interrupt the existing sequential rise in ridge height of buildings travelling up Surrey Street.

It is considered that the proposed materials are of insufficient quality, given the sensitive setting. In particular, the proposed 'white sash effect windows' are of insufficient quality and 'false slate tiles' as a roofing material. Other materials are not sufficiently specified to make further comment.

Therefore, It is considered that the proposed development does not meet the following criteria for the reasons outlined above:

Arun DC Policy GEN7 refers to principles of development that (iii) responds to identified characteristics and respects and enhances local distinctiveness.

- It is considered that the proposal fails to respect or enhance local distinctiveness.

Arun DC Policy AREA2 Conservation Areas states 'Planning permission will be granted for development which preserves or enhances the character or appearance of the Conservation Area or its Setting.' · It is considered that the proposal fails to enhance the character of the Conservation Area or its setting. Arun Local Plan 2011-2031 Policy HER SP1 the Historic Environment the council will grant planning permission for development proposals that conserve or enhance the historic environment of the District. Sections a)Conservation Areas b>Listed Buildings d) Locally Listed Buildings of Special Character.

- It is considered that the proposal fails to conserve or enhance the historic environment

Arun Local Plan 2011-2031 Policy HER DM1 Listed Buildings: Proposals affecting listed buildings will be required to: a) ..preserve character e) protect and enhance the setting of the building

- It is considered that the proposal fails to conserve or enhance the setting of the listed buildings.

Arun Local Plan 2011-2031 Policy HER DM116.4.6 Conservation Areas. New development must be of a high standard, reflecting form, materials and character in the locality. The spaces between and around

buildings and views are very important and 16.4.12... Setting .... Development which adversely affects the setting, character appearance of or views in and out of the conservation area will be refused.

· It is considered that the proposal does not adequately respond to local material, form or scale and adversely affects the character appearance and views in and out of the adjacent Conservation Area.

Paragraph 137 of the NPPF states that a new development within a conservation area and the setting of a listed building should 'enhance or better reveal the significance of a designated heritage asset'

· It is considered that the proposal does not adequately fulfil this criterion, and is contrary to:

NPPF Paragraph 132 requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development within their settings.

Second Response - The revised plans differ from the previous iteration in that the roofscape has been revised. Although the ridge line has been reduced, it still exceeds that of the neighbouring property, and thus continues to dominate it and adversely affects the general rise in roof line proceeding up Surrey Street. The reduced ridge line has resulted in the addition of dormers to accommodate the second floor flat. It is considered that these represent an alien intrusion, and is not supported on heritage grounds

If the scheme were reduced to two storey (GF Shop plus FF flat), with a reduced roofline, a scheme may be acceptable, however it would still result in the loss of an attractive flint building, which contributes to the street scene.

## COMMENTS ON CONSULTATION RESPONSES:

- comments noted

### POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Adjacent to a Conservation Area

Adjacent to Listed Buildings

### DEVELOPMENT PLAN POLICES

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

|       |                                    |
|-------|------------------------------------|
| GEN7  | The Form of New Development        |
| AREA2 | Conservation Areas                 |
| GEN2  | Built-up Area Boundary             |
| GEN10 | Tidal Flooding and Coastal Defence |
| GEN12 | Parking in 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 DM4   | Extensions & Alterations to Existing Buildings |
| HER DM1 | Listed Buildings                               |
| HER DM3 | Conservation Areas                             |
| SD SP1  | Sustainable Development                        |
| W DM2   | Flood Risk                                     |
| SD SP2  | Built -Up Area Boundary                        |

RET DM1 Retail Development

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 3

Housing Supply

**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 relevant policies in the Littlehampton Town Neighbourhood Plan have been taken into account.

#### **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 that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to conflict with these criteria in that it would adversely affect the setting of the adjacent listed buildings.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states where the building is located in a Conservation Area:

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 conflict with these criteria in that it is considered to materially affect 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**

The site is located within a town centre location within the built up area boundary where the principle of development is considered acceptable. It is acknowledged that the site is sustainably located and appropriate for the type of development proposed, particularly given its close proximity to the town centre.

##### **CHARACTER OF THE AREA**

The site lies within the town centre in an area where some residential uses already exist. The rear of the site comprises the former indoor market area which now comprises new residential units.

The submitted scheme has been amended through the life of the application. It is considered that the revised design of the proposed building would not provide a positive addition to the development in this part of the town centre. The elevations would dominate the adjoining listed buildings and would detract from the historic character of the area and neighbouring development. The staggering of roof heights would be lost and the development would not respond to the natural rise of the topography up Surrey Street. The effect of the proposal is to interrupt the existing sequential rise in ridge height of buildings travelling up Surrey Street in conflict with policy GEN7 (ii) in that it does not respond positively to the identified characteristics of the area and respects and enhances local distinctiveness of the Local Plan and paragraph 58 of the NPPF. The height of the building and provision of dormers unacceptably increases the prominence of the building in the street scene.

In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The proposed development is unacceptable due to the redevelopment not constituting an enhancement to the character of the designated Conservation Area in conflict with policy AREA2 of Arun District Local Plan.

In considering whether to grant planning permission for development that affects a listed building or its setting, the Council shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Grade II Listed Buildings are situated to the north and south of the application site and given the height and design of the proposal over 3 floors it is considered that the building would be overly dominant and would adversely affect the setting of 32 Surrey Street which has a lower ridge height and 20-22 Surrey Street which currently have a higher ridge height. The provision of a building of similar proportions and height to nos 20-22 would result in a long terrace of properties without a clearly defined staggered ridge line which would adversely affect the appearance of the adjoining listed buildings and detract from their currently visually distinct and clearly defined ridge line.

#### RESIDENTIAL AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only 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 considering whether development gives rise to unacceptably adverse overshadowing or overbearing impacts, development should not normally project beyond a line taken at 45 degrees from the middle of a habitable room window of a neighbouring property. The 45 degree line is an important measure in assessing the impact of extensions. The proposed two/three storey element to the rear of the proposed development will extend approximately 5m further to the rear of the site than the existing building. This has the potential to give rise to unacceptably adverse overbearing on the first/second floor residential accommodation associated with 24 Surrey Street (to the north of the site). The applicant has submitted details to demonstrate that the proposal accords with the 45 degree rule when taken from the ground floor patio doors of the neighbouring development (24 Surrey Street).

The proposed development will be situated approximately 8m from the rear boundary where a first floor window exists facing Sandpiper House which is an additional 5 meters from this boundary. Therefore, it is considered that due to this distance and the lack of windows in the rear elevation there is only potential to create unacceptably adverse overlooking from the roof terrace which could be acceptably controlled by condition.

The development is in accordance with the Nationally prescribed internal space standards and external

space standards are met with the provision of a first floor patio to every unit. Further there is significant open space nearby. The development mainly comprises conversion of the existing 2 storey accommodation which includes first floor windows. There could potentially be an issue with overlooking to residential properties to the south of the development in the future if windows are added but the proposal relates to flats which have no permitted development rights.

Policy GEN7 of the Arun District Local Plan indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice.

#### SUSTAINABILITY

This site is located in a town centre location very close to public transport services, the bus station is close by and the rail station within easy walking distance. The site is also close the other facilities upon which it could be expected to rely and in addition is obviously close to shops and other services. It can therefore only be concluded that the site and therefore the development is in a sustainable location and that therefore the development is sustainable. It is considered that the development is consistent with policy in respect of sustainable development.

#### HIGHWAY CONSIDERATIONS

Car parking is available in the large car park to the north, but the site is sustainably located being close to the station and bus routes and one of the main pedestrian routes in to the town centre. However the proposal includes the provision of 3 parking spaces to the rear. County Highways have no objection to the proposal in terms of parking provision.

#### FLOODING

The site is located within an area designated as falling within Flood Zone 3. Planning Policies relating to flood risk require development not to give rise to an unacceptable risk of flooding detrimental to human health or property. An acceptable Flood Risk Assessment has been submitted with the application.

#### CONCLUSIONS

The proposed development is in a highly sustainable location and contributes 3 units of smaller accommodation to the housing supply. However the proposal gives rise to significant harm to the visual amenities and character of the area and has a harmful impact on the character and appearance of the adjacent conservation area and is damaging to the setting of the neighbouring listed buildings.

The application is therefore recommended for refusal for the following reasons

|                         |
|-------------------------|
| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

### REFUSE

- 1 With regard to height, scale and design the proposal would be prejudicial to the setting of the Littlehampton River Road Conservation Area and damaging to the setting of the existing buildings of merit and interest within it as well as the setting of adjoining listed buildings in conflict with policies GEN7, AREA2 of the Arun District Local Plan, policies HERDM1, HERDM3 and DDM1 of the Emerging Local Plan and paragraphs 132 and 137 the National Planning Policy Framework.
- 2 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.