

Recommendation Report for Planning Permission

REF NO: LU/3/19/PL

LOCATION: Empty Supermarket Premises
Avon Road
Littlehampton
BN17 6AT

PROPOSAL: Demolition of existing buildings & redevelopment of site comprising 83 No. residential units (C3 Dwelling Houses) & 158.5 sqm flexible retail floorspace GIA (A1 (Shops) and/or A2 (Financial & Professional Services) and/or A3 (Food & Drink) and/or D1 (Non-residential Institutions)) together with the provision of car & cycle parking, landscaping & associated works. This application affects the setting of listed buildings & affects the character & appearance of the East Street, Littlehampton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development involves the demolition of the former Waitrose building on the southern part of the site and the erection of a new building providing 158.5 sqm of modern, flexible retail floorspace (Use Classes A1 and/or A2 and/or A3 and/or D1) at lower ground level, with part three and part four storeys of residential use (Use Class C3), comprising 49 apartments (referred to in the Design Access Statement as Building 2).

On the northern part of the site (Building 1), comprising the former Waitrose car park, a second residential building (Use Class C3) is proposed, comprising 34 apartments.

The 83 residential units comprise 18 x 1 bed room flats and 16 x 2 bedroom flats in Building 1. 30 x 1 bedroom flats and 19 x 2 bedroom flats are proposed for Building 2.

A total of 41 car parking spaces are proposed (including 2 disabled spaces) to serve both buildings. In addition there is also secure storage for up to 66 bicycles with 21 additional cycle stands proposed externally (10 stands outside the entrance to Building 1 and 11 stands to the west of Building 2). Waste storage facilities are proposed in both buildings, which are accessible from Avon Road.

Building 1 would be of a total height approximately 11m and Building 2 10m. Both buildings would comprise 3 storeys with a fourth storey comprising roofspace.

SITE AREA

0.6 hectares.

RESIDENTIAL DEVELOPMENT 138 units per hectare.

DENSITY (NET)

TOPOGRAPHY

The site gently slopes upwards from south to north.

TREES

Some trees are located outside of the site close to boundaries which may be affected by the proposed development.

BOUNDARY TREATMENT

The site frontages are mainly open with the existing building located on the southern and eastern boundaries. The boundary of car park area is enclosed by walling.

SITE CHARACTERISTICS

The application site is currently occupied by the former Waitrose building (falling within use Class A1). The retail unit has been vacant for approximately 3 years following the relocation of Waitrose to Rustington.

The retail unit occupies the southern portion of the site and is two storey in construction with brick elevations and a mansard roof. The building is bulky in design and is of no architectural or historic interest.

The Site is bounded by Franciscan Way to the north; East Street to the east; Anchor Springs to the south; and by a motor works and Carpetright unit to the west. Car parking occupies the northern portion of the site.

The main bus stop for Littlehampton Town Centre is situated to the south of the application site.

CHARACTER OF LOCALITY

The application site is situated within Littlehampton Town Centre with the main High Street situated approximately 65m to the south of the application site. A number of commercial uses are situated in close proximity to the application site as well as residential development. The application site abuts the western boundary of the East Street Conservation Area.

RELEVANT SITE HISTORY

LU/202/74	Outline Application For Residential Development	ApproveConditionally 11-09-74
LU/34/74	Outline Residential Development	ApproveConditionally 04-03-74
LU/541/84	Construction Of Proposed Supermarket Together With Access Routes & Parking For Supermarket & Industrial Units	ApproveConditionally 12-12-84

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection:

- The amount of retail space at the site has been severely scaled back, the proposals do not conform with Local Plan Policy RET SP1. Reducing such a prominent retail site fails to acknowledge the importance of shopping, together with a balance of other activities, to support the economic resilience of the Town Centre.
- The proposal fails to support Littlehampton's role as the main service, employment, retail and social centre as stated in Local Plan Policy SD SP1a or Local Plan Policy EMP SP2. It will not improve the vitality of the town centre and will reduce the level of town centre parking.
- The design, by virtue of the height of the two blocks of flats which are adjacent to the East Street Conservation Area, would considerably change the character of the Town Centre. They fail to meet Policy RET DM1 as they are not judged to be of a sufficiently high standard of design and lack regard to the character of the site and its surroundings.
- The housing tenure fails to accord with Local Plan Policy H DM1 because a tenure mix appropriate to the needs of Arun as stated in the published Strategic Housing Market Assessment is not provided. This identified a need for 51% of housing developments in Arun to be three bedrooms or greater.
- An opportunity has been lost to transform the site and create much needed family housing that could be more in keeping with the nearby Conservation Area.
- There is a need for greater public car parking provision in the area, not less.
- There is no provision for delivery vehicles that would be required to support the commercial activity in conflict with Local Plan Policy T DM2 as it does not demonstrate satisfactorily that the resultant loss of parking provision is acceptable. The proposed number of parking spaces are deemed wholly inadequate. Has underground car parking been considered?
- An opportunity to create a more sustainable mixed-use and aesthetically sympathetic development has been lost by not engaging with the community at an early stage.

35 Objections:

- Lack of infrastructure to support such a development.
- Lack of car parking and worries about the impact on the surrounding residential area.
- There are better uses for the site such as an ice rink, amusements and retail.
- Not in keeping with the surrounding area.
- Flooding concerns as it is in a flood zone and has flooded previously.
- Overbearing, overshadowing and overlooking of existing houses in the area.
- There will be an adverse impact on Listed buildings.
- Lack of consultations.
- Low water pressure in the area.
- The old drainage systems in the area will not be able to cope.
- Impact on nearby residents for a sustained period.
- Unacceptable visual impact.
- No need for more housing.
- Commercial use should be retained.
- Corner of the site needs to be eased to enable movement of buses more easily.
- Disappointed that number of residential units exceeds number of commercial units.
- Density is too high.
- Scale will adversely affect Conservation Area.
- Concerns regarding noise, dust and vibration from construction.

- Development is too high.
- No delivery area for shops.
- The position and glass fronted slab design of the shops is incongruous with any building they face.

COMMENTS ON REPRESENTATIONS RECEIVED:

Other comments made are addressed in more detail in the conclusions section of the report.

CONSULTATIONS

Conservation Officer
 Environmental Health
 Engineering Services Manager
 Engineers (Drainage)
 Ecology Advisor
 WSCC Strategic Planning
 Highways England
 Environment Agency
 Parks and Landscapes
 NHS Coastal West Sussex CCG
 Sussex Police-Community Safety
 Highways England
 Surface Water Drainage Team
 Arboriculturist
 Southern Water Planning
 Economic Regeneration
 Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

Council Arboriculturist: Objection.

There are significant trees off-site which could be adversely affected by these proposals, yet there is no supporting arboricultural information submitted with the application. There is therefore insufficient information to guarantee such trees would be adequately respected and protected.

Greenspace Officer: No Objection subject to imposition of conditions.

As this is a proposal for flats and retail floorspace there would be no requirement for public open space (POS) or play area contribution. However greening to soften the development would be required on a development of any kind. There is a real opportunity to increase and improve the greening of this site with the inclusion of a careful selection of trees and shrubs both benefitting the aesthetics and biodiversity of the site. There is therefore the requirement of the submission of a full landscape scheme which should be submitted for approval, detailing species choice, position, densities and size at time of planting.

Conservation Area Advisory Committee: Objection.

By reason of its scale, height and massing the proposed development will adversely impact on the setting of adjacent and nearby Listed Buildings and also the setting of, and the approaches into, the East Street Conservation Area which forms part of the historic core of Littlehampton.

It is not clear from the plans submitted whether the existing attractive 2 metre high brick and flint highway boundary wall on the Franciscan Way frontage is to be retained or not. The potential loss of this walling would adversely affect the setting of nearby Listed Buildings and also the setting and approach into the Conservation Area.

It is considered, therefore, that the proposed development conflicts with paragraphs 192 and 127 of the NPPF 2018 and policies HER DM3, DSP1, DDM1 and paragraph 16.4.6 of the Arun District Local Plan 2018.

Economic Development Officer : No Objection.

Whilst we would prefer to see this particular site used entirely for retail purposes we have been in contact for many months with both the Freeholder and the Leaseholder of the property and are aware of their efforts to find a retail or even a leisure occupier.

Would prefer to see more retail units at ground floor level and particularly facing onto Anchor Springs. Littlehampton suffers with a lack of medium sized purpose built retail premises and we consider this to be a perfect opportunity to overcome that to some degree. Many of the town's retailers are small independent businesses and it would be useful to see the type and size of unit that might attract a smaller but nationally known name to support the town centre.

Southern Water: No Objection subject to suggested conditions.

Highways England: No Objection. Having undertaken our own analysis, we are satisfied that the proposals will generate an acceptable change in traffic on the Strategic Road Network.

Sussex Police: No Objection. No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

Council's Drainage Engineer : No Objection subject to imposition of pre-commencement conditions.

County Drainage: No Objection subject to imposition of conditions relating to surface water drainage and maintenance.

Environment Agency: No Objection request imposition of condition.

County Highways: No Objection subject to suggested conditions covering a Construction Management Plan, Car Parking and Cycle Parking.

County Planning Officer: Contributions requested towards libraries, education and fire and rescue.

Ecology Officer: No Objection. Suggested enhancements should be conditioned.

Affordable Housing Officer: No Objection subject to a Section 106 Agreement in respect of affordable housing provision.

Conservation Officer.

The proposal cannot be said to not cause harm, and it therefore is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The fuller, complete comments provided by the Conservation officer can be found on the Council's web site.

Council's Design Consultant.

- The site occupies prominent view corridors when approaching Littlehampton from East Street and Franciscan Way, including interesting views of Listed buildings.
- According to the Design and Access Statement (DAS), the proposed massing strategy is based on not exceeding the height of the former Waitrose building (16m). However, 16m appears to be the tallest element of the existing building, which reduces significantly to the west. Furthermore, this still represents an increase of 4/ 4.5m compared to the height of the Listed buildings that border the site to the east (11.5/ 12m).
- The impact of the variation in height is apparent from the proposed elevation to East Street. This impression will be clearly visible when approaching from East Street - the historic gateway into the town - and along Franciscan Way.
- The proposal represents an increase in scale and massing that will be clearly visible from across the wider context. There is a concern that the scale of proposed development will result in the loss of important views across the town, for instance, a view of St. Mary's Church from Franciscan Way and the first impression of the town centre when approaching from East Street.
- The proposed buildings form a semi-enclosed central area up to the back of neighbouring buildings along East Street. Within this, there is a fear that Avon Road might be considered as a semi-private access rather than as part of the wider public realm and circulation network.
- Elevations are characterised by strong vertical elements with front gable ends that reflect similar forms along East Street and the High Street. While these help to break-up the proposed massing of each building and create variation in the building line and roofscape, they also give the impression of a taller height than the proposed 3.5 floors.
- There is a concern that the extent of some recesses and projections in the building line will create shading, which is significant as proposed units are single aspect with half being north facing.
- There remains a concern regarding the extent of blank facades at street level. This is particularly significant along Anchor Springs where the wall extends the length of the site and the top will be at least 3m above the ground floor level of East Street.
- Treating the wall in flint would hopefully prevent this from becoming a canvas for graffiti and vandalism, especially if people are waiting at bus stops. However, the variation between finished floor and street level will significantly reduce the potential for overlooking and passive surveillance of the street and through this, encourage anti-social behaviour.
- The proposed elevations to Avon Road and Franciscan Way are lower and have a more human scale than the elevation to Anchor Springs. While noting that the raised floor level of the latter is a response to flooding, it is wondered if there is not another arrangement that would avoid a continuous blank facades. For instance, if the entrance and/ or ramp were located on Anchor Springs rather Avon Street.
- The impact of front gables and single aspect units is that east and west elevations appear taller through having a continuous ridge line and could easily become blank facades.
- The west elevation of the south building and particularly, the east elevation of the north building have fewer openings and a greater expanse of blank facades. While it is noted that limited openings have been proposed to the east in order to maintain the privacy of neighbouring homes, the consequential impact is a three storey blank facade. This is particularly significant as the east elevation is adjacent to

three heritage assets.

- There is concern regarding the privacy of ground floor units on the north and west elevations of the northern building.
- According to the Planning Statement, mansard roofs have been selected to improve integration with existing buildings in the wider context, presumably referring to the existing commercial unit to the west of the site and the Franciscan Missionary to the north of the site. However, this element appears limited to the East Street elevation where the roof appears to be recessed behind a low parapet.
- Private gardens are very limited; it appears that up to 1m is provided to the north and south elevations. In reality, it will be difficult to effectively use and maintain such a space.
- While south facing balconies and expanses of glazing will encourage natural light deeper into the plan of single aspect units, north facing units in both buildings will be quite dark with the extent of natural light reduced by the extent of variation in the building line and canopies and partition walls on some balconies.
- Overall, minimal space standards have been applied to both circulation and habitable spaces.
- The DAS notes that proposed privacy distances are greater than those provided by the location of the offices in the existing building. However, as a residential property, the impact of such distances is more significant; 15.8m may be sufficient for adjacent two storey buildings but is limited where four floors are overlooking two.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The objection raised by the Council's tree officer could be overcome from the imposition of a pre commencement condition.

POLICY CONTEXT

Designation applicable to site:

Within Town Centre

Secondary Retail Frontage

Within Built Up, Area Boundary

Abuts Conservation Area

Adjacent to Listed Buildings

Flood Zones 2 and 3

Economic Growth Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
ECCDM1	ECC DM1 Renewable Energy
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
AHSP2	AH SP2 Affordable Housing

INFSP1	INF SP1 Infrastructure provision and implementation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
EMPSP2	EMP SP2 Economic Growth Areas
QESP1	QE SP1 Quality of the Environment

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 22	Design of New Development

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 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 relevant policies of the Littlehampton Neighbourhood Development 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 adversely affect the visual and residential amenities of the area, fails to enhance the retail offer of this designated Growth Area and does not meet the required provision of affordable housing and infrastructure contributions.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act 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 conflict with these criteria in that it is considered to materially affect the setting of the Conservation Area and nearby Nationally Listed and locally Listed buildings.

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 site is situated within a sustainable town centre location where the principle of development is acceptable. Residential development in this prime urban location is therefore considered acceptable in the context of the overarching objectives of the National Planning Policy Framework (NPPF) and the Development Plan.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where it is stated that permission would be granted, unless there are any adverse impacts that would demonstrably outweigh the benefits.

IMPACT ON THE SETTING OF LISTED BUILDINGS AND THE CONSERVATION AREA

There are no statutory Listed Buildings located within the site boundary, however a number of listed buildings are situated within its immediate vicinity. In accordance with the NPPF, a detailed Heritage Statement has been prepared which assesses the significance of identified heritage assets, including an assessment of the contribution made by setting on their significance; and assesses how this may be affected by the Proposed Development.

The site is situated immediately adjacent to the Littlehampton East Street Conservation Area and shares the majority of its eastern boundary with the western edge of the Conservation Area. There also a number of Listed buildings in close proximity to the site, and a locally listed building or structure of character.

The heritage statement has identified the following heritage assets:

- Littlehampton: East Street Conservation Area
- Avon House
- Garden Wall fronting Avon House
- The Old House
- East Street School (Youth Centre)
- Low Wall in front of East Street School
- 39, East Street
- Farm Buildings to West of Rear of No. 39 East Street
- Vine House
- 69 High Street and 1 East Street

Avon House and the garden all which fronts on to Avon House are both Grade II Listed. Avon House is identified as being a good example of an early C19 simple symmetrical vernacular residential cottage.

The cottage and the associated walling are now located within an urban location with a mixture of uses, higher density development and local roads which are busy (especially during the rush hour periods). Modern development in the form of the application site are considered to detract from the setting of the building.

Both the cottage and the wall are of architectural and historic interest, being rare survivors of the early development of the town.

The Old House is also grade II Listed Building which is illustrative of the development of the town. It is a large 18C building with a symmetrical front elevation. It is constructed using local materials in a vernacular appearance. It is suggested that it is a rare example of a large upper-class residences that were constructed in the local area to cater for the growing population of Littlehampton which transformed it to an important seaside resort.

Whilst the immediate setting of the building is maintained by a boundary flint and brick wall, the wider setting of the building has been harmed through the presence of modern development in the form of the application site and the busy road network which immediately adjoins the garden space.

The Old House is considered to be of architectural significance.

East Street School & Low Wall to the front of it have been listed as Grade II. The school fronts on to East Street and forms an imposing building to the street. It is constructed using local materials in a 'gothic' style.

The building is a good example of a late 19C school building which was constructed for the growing town and is therefore of architectural significance. Its historic significance stems from the fact that it remains as an education establishment.

The school building is surrounded by a mixture of properties, especially the 18C Listed Buildings discussed here, as well as some 19C buildings, including the terraces opposite the school. However, the southern part of the application site is visible from the site when looking westwards. This site detracts from the view.

39, East Street (The Old Farm) and associated Farm Buildings are considered to be of architectural interest as an early 18th century farm complex with a strong vernacular character and form. The farm house is of two storeys with a tiled pitched roof featuring a number of chimney stacks of varying age and styles. The house has development in many stages, as evidenced through the eastern elevation, where the oldest part of the house is clearly different in appearance from the later developments on both the northern and southern sides.

The farm buildings are generally more simpler in appearance, being of flint and brick construction. Later development has an impact upon these farm buildings. However, it is considered that the complex is still of architectural significance. Likewise, the age and use mean that the complex is also of historical interest.

The complex is surrounded by modern development and the busy road network previously identified. Part of the development site is visible from the farmhouse and buildings when looking northwards.

Vine House is Listed Grade II building and sits opposite the southern boundary of the site, two storeys in

height with a tiled pitched roof and two brick side stacks. The building is of three bays with the central bay featuring a later, yet attractive projecting pointed porch enclosing the main entrance. Constructed in traditional materials with knapped flint and red brick, the building is of simple character, reflecting its age and domestic function with sash windows to the ground and first floors set within flush timber frames. These appear to be later openings with some remains of earlier openings existing within the outer bays, infilled with knapped flint. The building presents some later Gothic features representing the increased popularity of this style in its application to domestic buildings.

The building sits within an urban context of high-density development and busy roads. The application site is visible when viewing the front elevation of the building, and at present it detracts from its setting.

For the reasons above, along with its age mean that the building is of both architectural and historic interest.

69 High Street and 1 East Street is a mid-to-late C18, three storeyed building, which is located on the corner of East Street and the High Street. It forms the transition between the town centre and the historic development of East Street. It is currently used as a shop/estate agents. The building is considered to be of historical importance. The development site can be viewed when looking northwards towards the building and along the street.

The Conservation Area

The extended setting of the listed building is principally formed of the historic collection of buildings which comprise the Littlehampton East Street Conservation Area and line the north and part of the south sides of Church Street. The buildings vary in construction date, ranging from the early 18th century church and cottages to the 19th and early 20th century villas and terraces, however they are of a commensurate scale and form and many share a commonality of materials, creating a high quality consistent historic townscape. The buildings also form an important intact collection illustrating a key historic development phase of the town which has otherwise been subject to large areas of piecemeal re-development.

The site

The building is visible at the junction between east street, church street and anchor springs. It plays a dominant role, which is enhanced through the dominant brick and overly large tiled elevations.

The Proposal

The application site contains a building that is architecturally significant and forms a large part of the street-scene. The former supermarket building does not relate positively in character and form with the surrounding built characteristics of the Conservation Area.

Its demolition would remove what is considered to be a large obtrusive building. This is confirmed in the assessment of the heritage assets in close proximity to the application site. This approach is also identified within the heritage statement; which acknowledges that the setting of some of the assets is weakened by the development on the site, including the car park. Therefore, the demolition of the existing building and the concept of redeveloping the carpark site can be seen to be a positive impact.

Paragraph 200 of the NPPF states that the "Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Whilst it is noted that both brick and flint are to be incorporated into the proposed buildings, it is not fully clear how the proposals for a substantial building will achieve this aim.

The proposed building is still of considerable size and will continue to play a substantial role in the street-scene where the assets are viewed and experienced.

The proposals have not been designed to relate with the surrounding heritage assets in terms of its scale and form. A large existing unattractive building would be replaced with a similarly large building (Building 2) which would appear to be out of context with the surrounding buildings and their settings.

VISUAL AMENITY AND CHARACTER

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted.

The existing building is situated in a prominent location abutting the East Street Conservation Area and is of significant bulk with a design which is inappropriate and out of context with surrounding development. Therefore, visually, its demolition and replacement is preferred to the redevelopment/conversion of the existing building.

However, the two proposed buildings have been designed in a way which does not satisfactorily respond to the physical characteristics of the site and the surrounding area. The intensity, the height of the building and the extent of site coverage is too great.

Attention has been paid to the local context including the proximity to the adjacent Conservation Area and Heritage Assets. The agent advises that the local vernacular architecture has inspired the proposed design which incorporates pitched roofs, mansard roofs, flint stone, red brick and white stucco, all of which are considered to be architectural features and materials typical to Littlehampton. However the mansard design and shape of the buildings are out of keeping and the proposed development does not accord with the provisions of policy D DM1.

The proposed scheme consists of 2 blocks of residential flats. The northern most block will be four storeys in height and feature a total of 34 flats. The southern block (situated on the site of the existing retail building) will also be four storeys in height. This block will feature a total of 49 flats. The application site measures approximately 0.56ha and represents a development density of approximately 138 dwellings per hectare.

Following the submission of pre application advice the scale, design and fenestration details of the proposed development are still not acceptable. This site is prominently sited and the proposal will have a significant impact upon the character of the town and do not reflect the historic character of the site, particularly to the east, in terms of its use of materials and design.

The frontage of the southern building does not adequately create an active frontage particularly on the southern elevation facing onto Anchor Springs. Anchor Springs is considered to form part of the Town Centre with existing retail units present to the south-west of the application site. The inclusion of a higher percentage of retail units along this frontage would help to further reduce the perceived bulk of the proposal and provide greater assimilation with the adjoining Town Centre.

The size and scale of the proposed blocks is at odds with the character of the Conservation Area and the

town centre. The buildings are inappropriately high and the elevation treatments are too bland and lack sufficient detail.

The northernmost building by virtue of its height and bulk will appear overly dominant and incongruous within the street scene. This impact is further exacerbated by virtue of the increase in ground level from the East Street Conservation Area heading west on Franciscan Way. This building will have a significant presence within the street scene by virtue of its scale and location to the south of Franciscan Way, one of the main routes through Littlehampton. The eastern elevation of the northernmost building by virtue of the number of windows and balconies proposed is overly complex and further reduces the quality of the scheme.

In summary the proposed development by virtue of its design and scale would have an adverse impact upon the character of the locality. The application area includes part of the Conservation Area and is adjacent to a number of Listed heritage assets. In relation to these, the proposed density, height and massing will have a significant detrimental impact, particularly when viewed from the wider context.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 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. Planning Policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

For ease of reference the northernmost building will be referred to as 'Building 1' and the southernmost building will be referred to as 'Building 2'.

BUILDING 1

Building 1 by virtue of its design and location will not give rise to any unacceptably adverse harm to the residential amenity of neighbouring properties. Whilst building 1 will measure four stories in height, the nearest residential properties will be located approximately 26m to the east and 20m to the north. These separation distances are considered acceptable to avoid any unacceptably adverse overlooking, overshadowing or overbearing impacts.

In terms of the north boundary of this building to Franciscan Way the living areas of the flats are at their nearest some 7m away. This distance is sufficient to prevent unacceptable noise and disturbance from traffic and this could be bolstered by the use of conditions requiring details of windows and other noise mitigation.

BUILDING 2

Building 2 is predominantly surrounded by commercial uses to the east, south and west, immediately to the north is Avon House. The proposed building at its closest point will be situated approximately 13m away from this existing residential property and given the extensive number of windows as well as balconies on the northern elevation it is considered that the proposal will give rise to conflict between residential windows at first floor level.

It is considered that building 2 would not give rise to any unacceptably adverse overbearing or overshadowing impacts upon Avon House given that the proposed development where it abuts East Street will measure 1.6m lower in height than the existing Waitrose building. Therefore, this element of the proposal is considered acceptable.

The proposal retains bus stops outside south of building 2 and to the north of Anchor Springs. This has the potential to create significant activity and associated a nuisance upon the residential amenity of future occupiers. However, the level of such noise and disturbance has not been quantified/verified to a level that would represent unacceptable harm and a reason to refuse planning permission.

BUILDING 1 AND 2

There would also be an adverse impact on residential amenity of the ground floor flats situated on the western elevation of the both building 1 and 2. The proposed elevations show windows situated at ground floor level in close proximity to the public footpath which runs through the western portion of the site. This is a well trafficked route out of the town centre providing a pedestrian link into Wick. This route is well used given the presence of a pedestrian crossing over Franciscan Way. Therefore, given the proposed developments proximity to this footpath it is considered that there is the potential for significant impacts upon the residential amenity of future occupiers at ground floor level of the proposed buildings.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. All of the flats comply with the standards in respect of internal space.

Paragraph 127 of the NPPF requires that new development has a high standard of amenity for existing and future users. The flats are provided with balconies and patios and there is significant public open space nearby to consider the flats to be supplied with sufficient external amenity space. With the majority of flats being 1 bedroom these are not anticipated to be for family occupation where it would be expected to have sufficient, private and secure residential external space for use by children.

IMPACT ON TOWN CENTRE

The proposal is located within an area defined as Town Centre. Policy RET SP1 therefore applies which seeks to maintain the role of the town centre by supporting and promoting measures which reinforce its role in meeting community needs and providing a range of facilities.

This proposal would retain a retail use at ground floor and increase the number of residents in the town centre. This would contribute to the viability and support the other retail and commercial uses within it. It would sustain economic growth and social well being by increasing customer numbers.

It is very likely occupiers of the flats would utilise local retail units. It therefore serves a complementary function by adding to the services and facilities provided by the shopping centre of Littlehampton. The previous supermarket use ceased approximately 3 years ago and the premises have subsequently been marketed with no occupiers forthcoming. The proposal would retain a retail use, albeit in a different and reduced form. It would therefore accord with policy RET DM1 since the proposal would retain the existing hierarchy of retail centres in Arun and maintain a retail use within the secondary shopping frontage area.

EMPLOYMENT OPPORTUNITIES

The site is located within the Littlehampton Economic Growth Area. Policy EMP SP2 of the Local Plan encourages the Council to work with partners to enhance local employment opportunities within Economic Growth Areas, supporting development that provides for additional or enhanced small scale retail opportunities, commercial, leisure and restaurant uses.

The proposal results in the substantial reduction of the current large retail offering to two units at ground floor. The proposal would result in a significant reduction in employment opportunities at the site. Therefore the provision of a new alternative limited retail facility is not considered to meet this Policy which seeks the enhancement of the Littlehampton Economic Growth Area for the benefit of the community.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Governments ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

Emerging Local Plan Policy ECC SP2 "Energy and Climate Change Mitigation" states that:

"All new residential and commercial development (including conversions, extensions and changes of use) will be expected to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the standards in the level of the Code for Sustainable Homes or appropriate BREEAM rating, applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels."

And that:

"In assessing the achievement of these standards the Council will consider:

- * Site constraints;
- * Technical viability;
- * Financial viability; and
- * Delivery of additional benefits."

The applicant has submitted a Sustainable Energy and Renewable Strategy Report which clearly demonstrates that sustainable construction will be incorporated in the scheme.

IMPACT ON TREES

There are significant trees off-site which could be adversely affected by these proposals and no supporting arboricultural information has been submitted with the application. The Council's Arboricultural Officer has advised that there is insufficient information to guarantee such trees would be adequately respected and protected. The proposal therefore conflicts with policy ENV DM4 of Arun Local Plan which requires that where there are existing trees on or adjacent to a development site, developers are required to provide tree surveys, a tree constraints plan, an arboricultural impact assessment to include a tree protection plan and arboricultural method statement.

As referred to earlier such a requirement could be met and addressed satisfactorily by a pre commencement condition and it is therefore not a basis for refusing this application.

FLOOD RISK

As set out within the Flood Risk Assessment, the south eastern part of the Site is located partially within

Flood Zones 2 and 3, indicating a medium to high probability of flooding from tidal and/or fluvial sources. The remainder of the Site is located within Flood Zone 1 denoting a low probability of tidal and/or fluvial flooding.

The remainder of the Site would be at risk of flooding during the future 1 in 200 year event for the year 2115 due to sea level rise caused by climate change. To mitigate against this risk, all more vulnerable residential finished floor levels would be set at 5.20m AOD, 310mm above the future flood level, in accordance with planning policy.

The Environment Agency and Engineers have no objection subject to imposition of appropriate pre-commencement conditions. The Environment Agency also recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan and that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs.

HIGHWAY CONSIDERATIONS

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking".

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

As detailed within the accompanying Transport Statement, the site benefits from a very good level of accessibility to local facilities and sustainable modes of transport. Access to the site will remain largely as existing with vehicular access provided from the existing one-way arrangement along Avon Road.

It is proposed that a total of 41 No. car park spaces (including 2 No. disabled spaces) are to be provided for the apartments. The main car park comprising 26 No. car park spaces will be located adjacent to Building 1. The remaining spaces will be located along Avon Road. The disabled spaces are to be located at the southern end of the main car park, close to the footways along Avon Road. There are no car park spaces proposed for the retail units.

The level of parking proposed at the development is lower than the required demand identified by the West Sussex Residential Parking Demand Calculator. However, WSCC, have no objection to the proposed parking provision given the sustainable location of the site within the town centre in close proximity to public transport and local facilities. It is also within walking distance of Littlehampton train station and various bus stops within the town centre offering convenient access to alternative,

sustainable modes of travel and less reliance on private car.

The site will also be subject to the implementation of a Residential Travel Plan which will provide measures aimed at further reducing car journeys to the Site and can be conditioned appropriately. On this basis the application accords with policy TSP1 of Arun Local Plan. Whilst the provisions of Littlehampton Neighbourhood Plan policy 22 are not met a refusal on parking grounds could not be sustained given the highly sustainable town centre location of the development.

INFRASTRUCTURE REQUIREMENTS

The proposal is subject to infrastructure requirements as stipulated by policies INF SP1 and AH SP2 of the Arun Local Plan. West Sussex County Council has set out financial contributions required to fund additional libraries, education and fire and rescue facilities. The Council's affordable housing officer has calculated the number of affordable properties that would need to be provided.

All of the above is expected to be secured by a legal agreement. The proposal is in conflict with these policies given the lack of a signed legal agreement to this effect.

CONCLUSION

The proposed development is in a sustainable location and retains a retail use at the site. Additional housing is supported in this location and given the Council's lack of a 5 year supply of housing planning permission should be granted. However, there are significant detrimental effects arising from this proposal that outweigh this presumption in favour of it.

These are that it would give rise to significant harm to visual and residential amenity and the setting of the nearby Conservation Area and Listed Buildings. The application also fails to enhance the retail provision of a designated Growth Area and is therefore recommended for refusal for the following reasons:

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), 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 By virtue of its unacceptable design, excessive site coverage, height, bulk, and unacceptable relationship with neighbouring properties the proposal represents an over development of the site which is not in keeping with the character and appearance of the area in conflict with Arun Local Plan policies D SP1 D DM1.
- 2 The design of the proposal in terms of its scale, height and use of materials fails to adequately respect the setting of adjacent heritage assets in conflict with Arun Local Plan policies HER DM1, HER DM2, HER DM3 and the NPPF.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision and other infrastructure requirements and would therefore be contrary to policies AH SP2 and INF SP1 of the Arun Local Plan.
- 4 The application site is located within the Littlehampton Growth Area and the proposal would result in the loss of a large retail unit and its replacement with a much reduced retail footprint which not result in the provision of additional or enhanced commercial, leisure activities, hotels or restaurants or additional retail use in conflict with policy EMP SP2 of the Arun Local Plan.
- 5 Having regard to the layout and proximity of the development to a public right of way the proposal would result in an unsatisfactory environment for future occupiers in conflict with policy D DM1 of the Arun Local Plan.
- 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.