

Recommendation Report for Planning Permission

REF NO:	LU/414/17/PL
LOCATION:	56-57 Pier Road Littlehampton BN17 5LP
PROPOSAL:	Change of use of basement storage area and ground floor restaurant (A3 Food & Drink) to 2 retail units (A1 Shops), demolition of existing garage, conversion of residential space at ground, first and second floor to provide 6 No. one bedroom flats (five additional units) to include first & second floor extensions & stair tower (resubmission following LU/71/17/PL & LU/243/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal provides 2 shops on the upper and lower ground floor and converts some of the storage area in the lower ground floor to shop units, the accommodation above comprising a 4 bedroom dwelling is converted and the premises are extended to create 6 no 1 bedroom flats. Dormers would be added to the front roof slope, a stair tower to the rear 3m by 2.5m and a rear extension 2.8m in depth at ground and first floor and 7m at second floor. The existing rear veranda and garage are to be demolished.
SITE AREA	288 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Premises is located on back edge of footpath. Rear courtyard area enclosed by 2m high fencing
SITE CHARACTERISTICS	The application site comprises a 4 storey premises with a restaurant at ground floor and residential on the upper floors. White painted rendered walls and plain clay tile roof. There is a rear garden area and space for parking a vehicle to the rear. The site is generally flat and is located adjacent to the River Arun.
CHARACTER OF LOCALITY	The area is part of a residential/retail/commercial street comprising a uniform character with older style terraced properties of similar height in small plots abutting the highway with gardens/service areas to the rear within an urban environment. The ground floor uses comprise a parade of retail/restaurant uses.

RELEVANT SITE HISTORY

LU/243/17/PL	Conversion & minor extension of existing restaurant & five bedroom flat to create a shop unit & 6 No. residential units (resubmission following LU/71/17/PL).	Refused 11-10-17
LU/71/17/PL	8 No. dwellings, conversion & change of use from A3 (Food & Drink) to A1 (Shops) to create shop unit at lower & ground floor, two storey rear extension & external alterations.	Withdrawn 22-06-17
LU/168/07/	Change of use from restaurant & large single flat to restaurant and single dwelling plus garage	ApproveConditionally 25-07-07
LU/288/06/	Change of use from restaurant to residential at ground floor with existing accommodation over to form 1 no. dwelling (Re-submission following LU/359/05)	Refused 15-11-06
LU/359/05/	Change of use from restaurant on ground floor with accommodation over to 2no. cottages	Refused 02-02-06

Application LU/228/06 for conversion of the whole of the ground floor restaurant to residential use was refused by Committee for the following reason:

'The introduction of a residential unit at street level in a predominantly commercial frontage catering for the tourism industry would be out of character with the area and thereby contrary to Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.'

The later application LU/168/07 was subsequently approved for use of part of the ground floor to convert to residential.

There has been a change in policy framework since 2007 in that policy TOU SP1 of the Publication Version of the Local Plan is now a material planning consideration which states ' Sustainable tourism growth for Arun requires the protection of features that make the District attractive to visitors. Proposals for visitor related development will be determined by Arun's capacity to absorb such growth; for Arun this means tourism growth which provides benefits to local people, protects and enhances the natural and enhances the environment, extends the visitor season, ensures a viable visitor economy and encourages long-term visitor interest/activity'.

This proposal provides a retail use at lower ground floor and retains a retail use at ground floor . It is therefore compliant with policy.

Application LU/71/17/PL was withdrawn by the agent prior to determination. This application has reduced the number of units by 2 which has increased the amenity area to the flats . The rear staircase has also been reduced in size and height.

The previous application LU/243/17/PL for Conversion & minor extension of existing restaurant & five bedroom flat to create a shop unit & 6 No. residential units is at appeal. It was refused only on flooding grounds. This application has altered the 2 bed flats to one bed units and has added Juliet balconies to the rear 3rd floor and increased the size of the shop units at lower ground floor.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

No Objection - the committee acknowledged the amendments that had been made but were mindful of the parking pressures that were often present in the area. Members still held the view that the WSCC highway assessment was incorrect and these proposals if approved would have a detrimental effect to the highways network.

One Objection - These terraced buildings, previously fishermen's cottages and built in the 1800s, have already taken a real pummeling when the walkway was built with the piling that had to be undertaken, and the walls were really shaken with pictures falling off them with the vibrations at that time. There are no usual foundations with these buildings and we think this should all be taken into consideration when granting permission for 6 extra flats to be incorporated in the adjoining building.

Also the question of parking should be thought about. In the Summer Months, from May to September, there are double yellow lines all around this area and as it is now, the staff that work at the Retail and A3 premises in Pier Road already find it very hard to find anywhere to park in the area. With another 6 flats let out it will only become worse, especially as the plans incorporate building in the back yard, which is the current parking area for 56 and 57 Pier Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

County Highways were consulted on the earlier application for conversion to 6 flats and raised no objection. They stated that the site is located in Pier Road, a busy riverside street with a mix of retail, restaurant and residential units. The road itself has a 30mph speed limit and enforceable parking restrictions along both sides. The site is within a busy built up area and therefore this development is car free. No provision for parking can be accommodated and therefore any cars would have to be parked in the surrounding streets. There are parking restrictions in place due to its close proximity to the riverside, however if parking is required on-street parking can be found in the vicinity.

Access to the rear of the property is taken from Clifton Road, and South Terrace both roads are maintained by WSCC up to a point however; the main section behind the proposed units is privately owned. It is wide enough for 1 car to travel down it and can be accessed from both the north and the south. There could be potential for residents or shop keepers to use this as a drop off, and some units have garages but parking could not take place on this section of road as there is not enough space. Cycle storage will be provided in each unit to encourage sustainable transport options and the site is located in walking distance to the station and bus services. Whilst the renovation works are undertaken should there be a need for hoarding or the placing of skips in the highway then appropriate licences must be obtained.

Based on these comments and that the site is sustainably located it is not considered that the proposal could be resisted on highway grounds.

CONSULTATIONS

Environmental Health

Historic England
 Engineering Services Manager
 Engineers (Drainage)
 Engineers (Coastal Protection)
 Economic Regeneration
 Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environment Agency - In light of the new information provided we remove our previous objection. Recommend a condition relating to adherence to the Flood Risk Assessment and an Informative.

Environmental Health - Awaited

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Flood Zone 3a

DEVELOPMENT PLAN POLICES

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

GEN7	The Form of New Development
GEN10	Tidal Flooding and Coastal Defence
DEV26	Criteria for Retail Development
DEV27	Retail Development Outside the Principal Shopping Areas

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D DM2	Internal Space Standards
D DM3	External Space Standards
TOU SP1	Sustainable Tourism & The Visitor Economy
RET DM1	Retail Development
RET SP1	Hierarchy of Centres
W DM2	Flood Risk

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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PLANNING POLICY 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).

Policy 1 'The Presumption in Favour of Sustainable Development' and Policy 2 'A Spatial Plan for the Town' are relevant to 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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site lies in an urban area where the principle of development is considered acceptable. The residential use on upper floors and extension to accommodate additional space is considered acceptable subject to no adverse unacceptable impact on amenity. The use of the ground floor in part for residential purposes is also acceptable. A retail use is provided at lower ground floor and retained at upper ground floor and would be in keeping with use of the adjacent sites and the visitor/tourism use of the parade generally. The proposal also incorporates replacement shop front style windows, rather than windows of domestic proportions and style at ground floor which reflects the history of the site and accords with the appearance of other shop fronts in the locality. There would therefore be no adverse impact on the character of the area.

The extensions to the rear of the premises are of limited proportions and could be conditioned to be constructed of materials to match the existing property they would be set down below the roof line and would not project significantly to the rear. A gap of 9m is provided between the stair tower and the rear boundary. The rear of buildings in this section of Pier Road comprise extensions/flues/outbuildings and the style and design of the extensions proposed would not be out of keeping with the visual amenities of the locality.

With regard to the residential amenity of proposed occupiers the proposal would comply with the gross internal floor areas set out in the Nationally described space standards for 1 person 1 bedroom flats. The scheme also includes private outdoor amenity space to serve 4 of the units in the form of terraces. The other 2 units would have access to the communal rear amenity area. It is considered that the proposed development would be acceptable given its seafront location and the close proximity of open space, the beach and riverside walkway.

The impact on the residential amenities of neighbouring properties would be acceptable given the limited rearward projection of the extensions and the central position of the stairwell. The rearward existing extension at first floor level already projects beyond the existing dormer serving no 55 and the impact would not be materially worsened. No 59 has also been extended to the rear and is not considered to be materially impacted by the extension by reason of adverse overbearing impacts. There are no windows proposed in the side elevations of the of the extensions, other than those in the stairwell and those could be conditioned to be obscure glazed to prevent a material loss of privacy.

No car parking is being provided as part of the proposal, but the site is sustainably located within the

town centre close to bus routes and within walking distance of the railway station. County highways have no objection to the proposal in terms of highway safety.

The site is located in an area at high risk of flooding. The application is accompanied by a Flood Risk Assessment (FRA) which the Environment Agency have advised is adequate.

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 : Location PL 101, Site and Roof Plan PL 102 P2, Proposed Drawing Lower and Upper Ground Floor Plans PL103 P2, First and Second Floor Plans PL04 P2, Proposed Elevations and Sections PL 106-1 P1, Proposed Elevations and Sections PL 105-1 P1, Street Scene PL 107.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The materials and finishes of the external walls and roofs of the extensions hereby permitted

shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The materials and finishes of the external walls (and roof(s)) of the building(s) hereby permitted shall match in colour and texture those of the existing building(s).

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 The buildings shall not be occupied until the cycle parking facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 6 INFORMATIVE: It is recommended that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.
Consideration should be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 7 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.