

Recommendation Report for Planning Permission

REF NO: LU/45/20/PL

LOCATION: Ground Floor unit
Saltmarsh House
Old Market Lane
Littlehampton

PROPOSAL: Change of use of existing ground floor retail unit (B1Business) to 3 No. flats (C3 Dwelling houses).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a change of use of existing ground floor retail unit (B1Business) to 3 No. flats (C3 Dwelling houses). The proposals seek the approval of 3no new 2 bedroom flats and ancillary space. New windows are proposed giving daylight to the spaces provided. The overall appearance of the building is largely unaltered, although the front elevation will be partially filled using brickwork to match the existing, in order to form liveable spaces to the proposed flats. New windows will follow the design and appearance of those which already exist. Access to the flats will be via a communal entrance on the northern elevation of the site. Refuse storage will utilise the arrangements already in place for the rest of the existing block, and cycle storage is within the proposed communal space.
SITE AREA	353 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mostly boundary walls of brick and brick and flint.
SITE CHARACTERISTICS	The property is located in a visible and prominent location within Littlehampton town centre on the junction of Terminus Road, High Street and Arundel Road The site comprises a vacant ground floor space in retail B1 Business use with C3 flats above.
CHARACTER OF LOCALITY	Town Centre location. River Road Conservation Area abuts the site to the south. Retail/office uses predominate at ground floor level with residential over in two, mainly 3 storey buildings in Terminus Road, High Street and Surrey Street.

Predominately residential in River Road with buildings mainly of 2 storeys. Nearby Listed Buildings include 20 to 24 Surrey Street 32 Surrey Street (Cob & Pen Public House) and Nos. 1,4,5,7,8,10 and 12 River Road.

RELEVANT SITE HISTORY

LU/517/04/	Mixed use development with part retail use to ground floor and 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house with public and private hard and soft landscaped areas.	Refused 20-05-09
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Appeal: Allowed+Conditions
11-03-10

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

No objection

1 letter of representation has been received in support of the proposal. The main reason for support is:

'As long as the internal space standards are adhered to I support this application. For many years now this frontage has been a boarded up eyesore on a main route into the Town. It makes sense to consolidate retail frontages into the main area of the Town and permit conversion to residential where long term vacancies exist on the outskirts'.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Economic Regeneration

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC Highways: No objections subject to the imposition of a condition should permission be granted.

Private Housing Dept: No objections subject to compliance with fire safety measures, room size and ventilation

Economic Development:

This application is for a site that is close to the main retail area of the Town Centre, on the main route from the railway station to both the seafront and town centre and part of the Local Economic Growth Area. The unit has never been occupied since being converted as part of the housing scheme to the south of the site.

We are aware that the unit has been marketed at what we consider to be an above average rental figure for what is a shell that requires a complete fit out. We are also aware that there has been interest in the unit. We would disagree with the agent on the units that are identified as vacant in their report - at least 2 of these have since been taken, leaving only the former Hartley's Wine Store vacant. Vacancy levels in Littlehampton currently sit at around the 4% level which is considerably lower than the national picture.

Over the coming months considerable investment will be made in public realm which should bring more attention and footfall to the area.

Economic Development have no wish to see this unit vacant for a longer period but consider that an active use should remain at ground floor level.

Policy EMP SP2 seeks to enhance local employment opportunities in LEGA areas and the Arun District Local Plan Retail section to maintain the hierarchy of Arun's two town centres. Economic Development object to this application.

Applicants respond to this with:

ADC Point 1 - 'The unit has been marketed at what we consider to be an above average rental figure for what is a shell that requires a complete fit out'.

The marketing of the premises targeted all tenants and uses from offices, retail, trade counter, care agencies, estate agencies, medical and health centres, financial advisors etc. Each type of use attracts a different value, with retail at the lower end and offices at the higher end. As such, it was agreed to market in the mid-range (which sits at the very low end for office use).

Hyde have taken a flexible approach in terms of the marketing rental figure, being open minded to offer tenant incentives such as reduced rent or rent free period in order to assist with any incoming tenant fit out costs. Likewise, Hyde have been keen to stress general flexibility towards the lease terms i.e. encourage tenant break options.

ADC Point 2 - 'That there has been interest in the unit. We would disagree with the agent on the units that are identified as vacant in their report. Vacancy levels currently sit at around 4% level which is considerably lower than the national picture'.

Two offers were received, however these were commercially unviable. The general feedback from the marketing is that the location and lack of parking/loading facilities has led to the limited amount of interest.

The report was completed in December 2019 and as such the vacancy levels were accurate at the time of writing.

We ask that you kindly accept this as formal response to the objection, and see that the change of use application is entirely justified.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and further considered in conclusions section.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Within Town Centre Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPDM2	EMP DM2 Enterprise Bognor Regis
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and 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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

The relevant policies if the Littlehampton Neighbourhood Plan have been taken into account in the determination 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 sufficient efforts have been made to demonstrate that the site is unlikely to be reused for commercial purposes. The residential use will add vitality and is in line with the regeneration of Littlehampton.

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as loss of commercial floorspace, residential amenity, highway safety & parking.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

Furthermore, paragraph 118 (d) of the NPPF states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing"

LOSS OF COMMERCIAL:

Arun Local Plan policy EMP DM1 ("Employment Land: Development Management") states that

"Existing employment sites and premises will be protected where there remains a reasonable prospect of employment use. Excepting Permitted Development Rights or Local/Neighbourhood Development Orders, change of use from Business Class (B1-B8) or similar sui generis uses will not be permitted unless:

- a. It is demonstrated that the site is no longer required and is unlikely to be re-used or re-developed for industrial/commercial purposes. This should include clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the proposed use - using a methodology to be agreed by the District Council at pre-application advice stage; or
- b. The existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.

The Council will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored."

The premises have been vacant for a significant time and the applicants have submitted significant marketing information that concludes that despite these efforts no tenant has been interested/found.

Furthermore, it is acknowledged that the existing building already has residential uses above and that therefore there is potential for conflict between residential and office occupiers. It is therefore not considered that there is any harm arising to the vitality of this town centre location and that despite conflict with EMP DM1, it is not considered that refusal would be sustainable on these grounds.

CHARACTER

This site is on the edge at the entrance to Littlehampton Town centre and the use of the ground floor to residential is in character with all the residential uses that precede the site in keeping with policy D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

It is not considered that there will be any harm associated with the proposed use of this space for residential flats. It is located at ground level with other residential units above. Proposed windows would not overlook other residential windows and it is not felt the proposal would have a detrimental effects on the privacy and amenity of other residential units.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "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 the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed flats are suitable for residential use.

The requirement for a 2 bed flat for 3 people is 61 sqm and 70 sqm for 4 people. The proposed flat measure 89 sqm, 80 sqm and 70 sqm therefore, there is no objection in respect of policy D DM2.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, paragraph 127 of the NPPF states that: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.",

A small terrace area is provided for each flat. This is not private, being open to view by the public, but the site is also close to the river and beach which would provide sufficient amenity space for any future occupiers.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity within the NPPF.

HIGHWAYS & PARKING:

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 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"

Regard should also be had to paragraph 109 of the NPPF 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."

The West Sussex County Council Car Parking Demand Calculator advises that in this location the likely parking demand for the new flat would be 1 space. The proposal is unable to provide any off-street parking.

It is considered however that the proposed flats would be attractive to occupiers who are not car owners who instead want to live in a town centre location and access facilities by foot, bus or cycle and that the flats may also appeal to rail commuters with the railway station in very close proximity.

In addition there are a number of public car parking spaces/car parks nearby to absorb any demand.

Therefore, it is considered that the proposal complies with Arun Local Plan policy T SP1.

SUMMARY:

This is an acceptable residential conversion scheme given it is located within a highly sustainable town centre location and will bring an existing vacant office use into line with other residential uses within the building.

The proposal would therefore be acceptable in all regards and the application is recommended for approval for the following reasons:

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of

property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This proposal is not CIL liable. Its a zone 4, conversion of retail into 3 no flats

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:

Drawing No. 0003 Rev P03, 002 Rev P02, 002 Rev P01, 0003 P01, 0001 P01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1, D SP1 & QE SP1 of the Arun Local Plan.
- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
- 4 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.
- 5 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 7 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 8 INFORMATIVE: This application is liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.