

Recommendation Report for Planning Permission

REF NO: LU/4/22/PL

LOCATION: 1 Saltmarsh House
1 Old Market Lane
Littlehampton
BN17 5FB

PROPOSAL: Variation of condition 2 imposed under LU/45/20/PL relating to approved plans which include fenestration changes to East elevation and incorporation of outside amenity area with Flat 1 on North elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend conditions 2 of LU/45/20/PL to change the approved plans to alter the approved fenestration to and incorporation of outside amenity area with Flat 1, 2 and 3. Condition 2 states: 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. Vary condition 2 to change approved plan: Previously approved drawing No 0003 Rev P03 (under LU/45/20/PL) would be replaced by the amended drawing No 28132-PD110. The other approved plans are still relevant.
SITE AREA	353 sqm
BOUNDARY TREATMENT	Mostly boundary walls of brick and brick and flint.
SITE CHARACTERISTICS	The property is in a visible and prominent location in 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	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/45/20/PL	Change of use of existing ground floor retail unit (B1Business) to 3 No. flats (C3 Dwelling houses).	ApproveConditionally 09-06-20
-------------	--	----------------------------------

Site history noted. Use Class B1 has been replaced with use class E.

REPRESENTATIONS

Littlehampton Town Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation 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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 relevant policy 1 of 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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, or result in a severe impact on the local highway.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site lies in 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 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." The site is in a sustainable location in walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

Policy1 of the Littlehampton Neighbourhood Development Plan advocates the presumption in favour of sustainable development.

Furthermore, paragraph 120 (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"

The proposal is acceptable in principle given its location in a sustainable location in the Built-Up Area Boundary, in walking distance of a range of shops, facilities and services. There are frequent bus services on Terminus and Arundel Road and Littlehampton Railway Station is on the opposite side of the site (to the west). It would provide three flats within the town centre for future occupiers who may not have access to private transport.

The proposals would therefore accord with the ALP policies SD SP2 and SD SP1, policy 1 of the LNDP and the NPPF.

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.

The building already has residential uses above and there is potential for conflict between residential and office occupiers. It is 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 as the proposal only relates to external changes to an extant permission.

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 accordance with policy D SP1 and D DM1 of the Arun Local Plan.

The approved plans show fenestration which did not take into account existing services located on the east elevation (gas meter boxes/ gas pipes & electric meter boxes). The proposal is to remove terraces on the east elevation for flats 2 and 3 and to relocate the fenestration so as not to affect existing services. The approved fenestration of the northern elevation showed an inset external amenity area (small terrace) on the back edge of footpath facing to the busy road in vicinity of the roundabout. The approved terrace for flat 1 on the northern elevation would be removed and the living area would be extended. Consequently the fenestration would be amended appropriately.

Whilst the changes would affect the appearance of the property and would be visible from the street, they would respect the existing building and its fenestration. The proposal complies with policy D DM1 of the Local Plan and Arun Design Guide.

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."

The proposed amendments would not have 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 necessary to assess the proposal against 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.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more

compact building layout may be supported by ADC, where appropriate.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

The amendments would result in a loss of small terrace areas which were provided for each flat. As a result, in respect of external standards, none of the flats would have access to private space, however the property is in a walking distance of 250m from the River Arun and 700m from the coast.

The proposal complies with the relevant internal standards but does not comply with external standards providing no private/communal amenity space. It is considered to be acceptable given the vicinity of public open space, the town centre location and the quality of the external space to be lost.

HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network. In respect of parking, it states: "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 Arun Design Guide taking into consideration the impact of development upon on-street parking"

With regards to parking it is considered that proposal would unlikely generate a materially different number of vehicular movements to the site. The proposal complies with policy T SP1 of the Arun Local Plan.

CONCLUSION:

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and therefore it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to 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.

CIL DETAILS

This site is in CIL Zone 4 (Zero Rated) as flats.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under LU/45/20/PL (9th June 2020).

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:

Dwg Nos 28132-PD110 (please note that 28132-PD110 replaced 0003 Rev P03 approved under LU/45/20)
002 Rev P02;
002 Rev P01;
0003 P01; and
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 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>.