

Recommendation Report for Planning Permission

REF NO: LU/63/26/PL

LOCATION: Liberty House
4 Hawthorn Road
Littlehampton
BN17 7L

PROPOSAL: Part retention for hard landscaping works including hard standing to site frontage with Hawthorn Road, provision of crossover across site frontage with Hawthorn Road, reconfiguration of car park layout, 2 No. cycle stores, 1 No. smoking shelter, reduction in size of existing refuse store and provision of second refuse store within rear car park area, 1.2m high metal fence within car park and EV charging points. This application is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks retention of hard surfacing to front of the site, along with a vehicular crossover. There are alterations to the car park layout, refuse storage and the addition of cycle storage and smoking shelters.
TOPOGRAPHY	Predominantly flat.
TREES	None.
BOUNDARY TREATMENT	The site is open plan to its front (south) elevation with timber fencing to the north (approx. 1.8m) and east (greater than 2m). There is a low wire fence plus a row of small trees to the west.
SITE CHARACTERISTICS	The site is occupied by a large vacant commercial unit (single storey) which is being converted to residential. Access is via Hawthorn Road which connects to the A259 a short distance to the east.
CHARACTER OF LOCALITY	The area is populated by predominantly commercial/industrial units. There is a large Morrison's supermarket adjacent to the east and then industrial development (including a compacting unit) in the B2 use class to the west. Good tree screening between the site and the A259 to the south.

RELEVANT SITE HISTORY

LU/263/21/PL	Construction of a two-storey office building (Use Class E). This application is in CIL Zone 2 (zero rated) as other development.	ApproveConditionally 24-11-21
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LU/7/19/PD	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use (Class B1(a)) to a	Objection 18-03-19
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REPORT_1011(ODB)

Dwellinghouse (Class C3) to provide 30 self-contained flats (14 studios & 16 one-bed flats)

Appeal: Allowed+Conditions
25-09-19

LU/108/23/DOC	Approval of details reserved by condition imposed under ref LU/263/21/PL relating to Conditions 4 - materials and finishes, 5 - fire hydrants, 6 - renewable and low carbon energy, 7 - bird boxes, 10 - EV charging and 11 - broadband.	DOC Part Approved 29-06-23
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LU/263/21/PL - Construction of a new two storey office building.

REPRESENTATIONS

Littlehampton Town Council provided no response.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The cycle storage has not yet been installed and will be conditioned.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - None of these works physically affect the highway adopted and maintained by WSCC Highways. Whilst WSCC Highways have no significant concerns with the works, it would be helpful if the two points regarding cycle parking could be addressed namely, the size of the cycle store which seems narrow for the number of bikes and whether the cycle stands to the front will be sheffield stands.

Environmental Health - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 does not result in visual harm upon the character of the area nor upon residential amenity or upon parking or the highway.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

The application is exempt from mandatory biodiversity net gain as the site is all hardstanding and below the de minimis threshold.

CONCLUSIONS**BACKGROUND**

LU/7/19/PD was approved on appeal for the conversion of offices into 30 self contained flats. Following

this, an application was approved in 2021 (LU/263/21/PL) for the construction of two storey office building to the south west corner of the site. Elements of the permission have not been constructed as approved and this application seeks permission for the changes which include alterations to the parking on site, smoking, refuse and cycle storage.

PRINCIPLE

The site is within the built up area boundary where the principle of development is acceptable subject to compliance with relevant development plan policies.

Littlehampton has a made Neighbourhood Plan with policy 1 and 2 of relevance which the proposal complies with, focusing development within the built up area boundary.

DESIGN AND VISUAL AMENITY

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area.

The site is on Hawthorn Road which runs between the A259 to the south and business/industrial units to the north. There are a number of aspects that have been amended from the earlier permission on site. This includes the provision of hardstanding and a vehicular crossover to the front of the site. The dropped kerb runs along the site frontage with a width of around 28m and enables additional parking spaces to the southern boundary of the site. There will be 6 additional spaces to the eastern end of the building, with the general reconfiguration of the car park area allowing for the overall number of parking spaces to increase from 36 to 52 spaces.

The site is screened with extensive tree planting to the south and views of the site from the A259 are largely restricted. Due to the siting of the building, views of the site are not readily available from Hawthorn Road, situated behind an existing supermarket.

A smoking shelter is sought which will be to the eastern elevation of the converted building. This will be 4m by 3m and will have a lean to roof with a max height of 2.3m reducing to 2m. Alterations are sought to the refuse store, which will be slightly smaller than approved and the addition of a second store is proposed. The additional refuse store will be to the east of the building, next to the smoking shelter. The refuse stores will have a width of 6.2m and a depth of 3.9m. This will have a height of 1.2m and is modest in size. The smoking and refuse shelters are set back from the site frontage by approximately 48m and they would not be readily visible. The site seeks two cycle stores. One of these would consist of a two tier bike rack, to the rear of the site with a height of 2.8m, the other is located to the front of the site and would be a form of open storage.

A fence is proposed which will form a boundary between the parking spaces to the front. This has a height of 1.2m and will be a green steel mesh fence. Due to its height and the material used which allows views through the fence, it will not appear overly prominent along the site frontage. The appearance will match that of a 3m fence to the rear of the site.

Whilst there are a number of alterations proposed, they are relatively minor and are largely related to the number and position of storage and parking. Adjoining sites along Hawthorn Road are business/industrial in nature and the changes proposed would not result in the site appearing out of character. The additional structures would not result in an overdevelopment of the site.

The proposal would not result in adverse harm in the character or appearance of the wider area and as such, the proposal complies with ALP policy D DM1 and D SP1.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land.

The additional structures, namely the refuse store and smoking shelters are to the eastern elevation. There are windows to this elevation serving ground floor flats. Due to their modest height and with separation of around 1.5m -3.5m, they would not result in significant harm by overbearing or overshadowing.

Additional parking will be to the east and south, although again, this is not considered to result in adverse harm, with vehicles already present along this boundary where they gain access to the parking area to the north of the site. There are no neighbouring residential properties surrounding the site, with units occupied for business/industrial use and the development would not result in harm to surrounding occupiers.

As a result of the location of the development and the minor changes proposed, the development would not result in harm upon neighbouring amenity in compliance with ALP policy D DM1 and D SP1.

PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network;.

The site occupies a unit of 30 flats and a two storey office building approved and under construction. Arun Parking Standards SPD sets out a maximum requirement of 11 car parking spaces for the proposed office building to the south west corner of the site. The flats on site (LU/7/19/PD) were determined prior to the adoption of the Parking Standards SPD and the requirement according to the WSCC Parking Demand Calculator in use at the time, was 36 spaces. Although the requirement under the current Parking Standards is much greater (66 spaces), this is immaterial as the residential conversion is not being reassessed.

Previously approved plans demonstrated 36 spaces and this was deemed acceptable. The plan now proposed 52 spaces. This is an additional 16 spaces, with 6 to the east and 10 to the south of the site. WSCC Highways have no objection and note that none of these works physically affect the highway adopted and maintained by WSCC. The increase to the number of spaces is a positive.

The site plan does not specify which spaces are intended for the office or flats on the site. Based on the previous application it is understood that the applicant is proposing to not allocate any of the spaces and so the spaces can be shared between both uses. There would be peaks in parking for the office during the working week (day-time) whilst the peaks for the residential uses would take place during the evening, night-time and weekend. Both uses can co-exist without resulting in any parking shortfall or conflicts.

The proposal includes the provision of cycle storage which demonstrates that it would be able to store approximately 8 bikes. Cycle stands are to the front of the site, although it is unclear if these are Sheffield stands. WSCC Highways asked for more details with regard to the specific product that it is to be used. As these have not yet been installed, this will be conditioned.

LU/263/21/PL required EV chargers to be installed. 4 EV chargers are shown to the front of the site.

The proposal accords with ALP policy T SP1.

SUMMARY

The proposal complies with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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 application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan - PL_001_260218
- Proposed Site Plan - PL_011_260330
- Refuse and Smoking Sheds Elevation and Floor Plan - PL_012_260330
- Fence and Bike Shed Elevation and Floor Plan - PL_013_260330

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 2 The car parking as shown on the 'Proposed Site Plan- PL_011_260330' shall be used only in relation to the use of the site for residential and offices as approved under LU/7/19/PD and LU/263/21/PL and for no other purpose.

Reasons: To ensure the parking is utilised for the office and residential use of the site and no other purpose in compliance with Arun Local Plan policy T SP1.

- 3 Within three months of the date of this permission, plans and details shall be submitted to and approved in writing by the Local Planning Authority showing provision for secure cycle parking spaces to the front (south) of the site. The approved details shall be installed within three months of their approval and be retained in perpetuity. The cycle store to the rear of the site shall be installed within three months and be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.