Recommendation Report for Planning Permission

REF NO: **LU/65/17/PL**

LOCATION: 18/20 and 22a/b
East Street
Littlehampton

PROPOSAL: Change of use from Doctors Surgery (D1 Use Class) to (C3 dwelling houses) comprising 1no. 4-bed dwellinghouse & 1no. 3-bed dwellinghouse. This application affects the character & appearance of the East Street, Littlehampton Conservation Area & the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.09 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling to approx. 2-3m height enclosing rear garden. To frontage walling to approx1m.
SITE CHARACTERISTICS	The application site comprises 3 semi-detached 2 storey houses with flint elevations converted to a doctors surgery with landscaping to the front and car parking to the rear. The site is flat gently sloping
CHARACTER OF LOCALITY	The area is part of a residential street comprising a uniform character with older style 2 storey semi/detached properties of similar appearance in medium plots set back from the highway with gardens to the front and rear within an urban environment on the edge of the town centre.

RELEVANT SITE HISTORY

LU/95/01/	Change of use from residential to form additional doctors accommodation including consulting suites.	ApproveConditionally 05-06-2001
LU/41/65	Addition of surgery and living accommodation	ApproveConditionally 08-04-1965

LU/292/73	Convert into 2 s/c flats	ApproveConditionally 02-08-1973
LU/385/75	Conversion to 2 sc flats amendment to approved plan LU/269/74	ApproveConditionally 12-11-1975

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer
Listed Building Officer
Environmental Health
Environment Agency

Consultations responses received:

Conservation Officer - The building fronts the south-eastern side of East Street, in the East Street conservation area and it has a strong presence in the streetscene. It is designated as a Building of Special Character and is part of a wider group of heritage assets edging the south-eastern side of the street

Returning the building to its original residential use is welcomed from the conservation perspective. As noted in the Heritage Statement, the proposed change of use presents an opportunity to reinstate a softly landscaped setting consistent with the domestic use. Although no alterations to the exterior of the building are proposed, enhancements to both the front and rear parts of its setting would make a positive contribution to the character of the conservation area and to some extent, to the settings of the neighbouring listed buildings as well.

Para. 132 of the NPPF requires great weight to be given to the conservation of designated areas, and para. 137 states that LPAs should look for opportunities to enhance the quality of such assets. In consequence, the Council expects new proposals to actively contribute to distinctive local character and it is not sufficient for them merely to avoid causing harm.

In terms of the Policies cited below, there is no objection to the proposed change of use. However, it is strongly recommended that approval be conditional upon acceptable landscape enhancements to both the front and rear of the building's setting.

Environmental Health - Any internal WC, or Kitchen facility to be provided with adequate natural or mechanical means of ventilation

Environment Agency - As noted in the submitted Flood Risk Assessment (FRA) (February 2017) the proposed change of use from a doctor's surgery to 2No. dwelling houses is partially situated at the edge of Flood Zone 2 (medium risk) and 3 (high risk).

On the basis that there is no increase of vulnerability classification, there will be no sleeping

accommodation situated on the ground floor, and safe refuge can be provided on the upper floors (where the floor levels should be above 5.1m AOD), we have no objection in principle to the proposal.

In order to take into account the effect of climate change and residual risks over the lifetime of the development we recommend that the future residents subscribe with the Environment Agency's Flood Warning Service and prepare a Flood Plan. We also recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing 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.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Conservation Area
Building or Structure of Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
	AREA2	Conservation Areas
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) HER DM2 Locally Listed Buildings or Structures of Character HER DM3 Conservation Areas HER SP1 The Historic Environment
Littlehampton Neighbourhood Plan 2014 Policy 1		The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 6		Residential development involving the loss of community facilities
Littlehampton Neighbourhood Plan 2014 Policy 17		Buildings and Structures of Character

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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; 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).

Policies 1, 6 and 17 of Littlehampton Neighbourhood Plan are considered relevant

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.Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 comply with these criteria in that it is not considered to materially affect the character of the Conservation 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 proposal is effectively an application to reinstate the former residential use of the properties which existed prior to use as a doctor's surgery. No external changes are proposed. The site lies in a residential area where residential use is appropriate and in keeping with the character of the area.

Policy 6 of Littlehampton Neighbourhood Plan 'Residential development involving the loss of community facilities' states : Residential development involving loss of community facilities. This policy sets a
presumption against development which would result in loss of community facilities. The existing doctor's surgery buildings are vacant and are surplus to NHS requirement. This is supported by a

statement from the NHS (Appendix A) to this effect. As such the change of use to residential should not be precluded. The information provided is sufficient to demonstrate that the loss of the previous community facilities have been satisfactorily relocated and no objection is raised to the application o this basis.

The site is sustainably located on the fringe of the town centre and within walking distance of the station. The proposal indicates that existing accesses are to be retained which serve each property and there is sufficient space to the rear of the site providing off street car parking for each unit. There is also adequate space to provide outside rear garden amenity space to serve the dwellings. The proposal would accord with National Space Standards and the Emerging External Space standards of the Local Plan policy DDM3.

The reinstatement of a residential use would be acceptable on the residential amenities of neighbouring properties.

The site lies in a Conservation Area where development should preserve or enhance its character or appearance and as stated in policy GEN22 of Arun District Local Plan planning permission will not be permitted for alterations, extensions or other development which would adversely affect the appearance or setting of buildings or structures of character. The significance of heritage assets is also noted in Policy 17 of Littlehampton Neighbourhood Plan. Given that no external changes are proposed the development is not considered to adversely affect the building of special character. However the scheme would benefit from reinstatement of some landscaping to enhance the appearance of the Conservation Area.

The application is therefore recommended for approval subject to the following conditions

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.

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 Site/Location, Block/Site Plans, Proposed Plot 18-20 Lower Ground, Ground and First Floor L/(01)03, Proposed- Plot 22, Lower Ground, Ground and First Floor L(01)04,

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 No occupation of the dwellings shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of soft landscaping and details of existing trees and hedgerows to be retained. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.

4 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.

5 INFORMATIVE: In order to take into account the effect of climate change and residual risks over the lifetime of the development it is recommended that future residents subscribe with the Environment Agency's Flood Warning Service and prepare a Flood Plan and that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing 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.