

Recommendation Report for Planning Permission

REF NO: LU/76/21/PL

LOCATION: 71 Beach Road
Littlehampton
BN17 5JH

PROPOSAL: Sub division of dwelling into 3 No. 2 bed flats. This application may affect the setting of a listed building & is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to conversion of the premises to 3 no 2 bedroom flats with 3 parking spaces.
SITE AREA	422 sq m
BOUNDARY TREATMENT	Walling encloses front garden area.
SITE CHARACTERISTICS	The site is a large three storey semi detached residential property
CHARACTER OF LOCALITY	A residential area close to the town centre.

RELEVANT SITE HISTORY

LU/294/19/PL	Change of use from Guest House (C1 Hotels) to single dwelling house (C3 Dwelling Houses).	ApproveConditionally 20-01-20
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The property has had as number of uses and has previously been three flats (dating back to 2005) and a guest house for a few years. Permission has been granted to change the use of the building to a single occupancy dwelling.

REPRESENTATIONS

Littlehampton Town Council - No Objection

One Objection - No more flats are needed.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection

Environmental Health - No Objection Conditions requested relating to sound Insulation and Construction Code Practice

County Highways - No Objection. Cycle parking condition requested.

Environment Agency - Objection. Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Class B road

Area of Special Character

Building of Character

Flood Zone 3

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
WDM2	W DM2 Flood Risk
WDM2	W DM2 Flood Risk
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY 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.

Policies 1, 2 and 17 of Littlehampton Neighbourhood Plan are considered relevant to 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 no significant impact would occur on the character & appearance of the area or on the residential amenity of any neighbouring properties but not issues of flood risk.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The conversion of the dwellinghouse (bearing in mind the recent permission for a two storey side extension in 2018) into 2 self contained 2 bed apartments is acceptable in principle given the siting of the dwelling in the built-up area boundary, however this is subject to compliance with relevant development plan policies.

In this case the key policies considered are D DM1 and D DM2 of the Arun District Local Plan, policies 1 and 2 of the Littlehampton Neighbourhood Plan and the National Planning policy Framework.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development proposals to have regard to character, appearance/attractiveness, density and scale.

There are no fenestration changes proposed and therefore there is no impact upon the visual amenity of the locality. There are other flat developments in the locality and the proposal therefore would be in keeping with the character of the area.

The proposal is considered to accord with design policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 and D DM1 of the Arun Local Plan requires development to not have a significantly negative impact upon residential amenity.

In terms of residential amenity for any future occupants of the proposed units, this would be acceptable with the existing amenity space at the front and rear to be used communally. This provides amenity space to a level which is comparable with that of other residential properties in the locality.

The alterations to the property would all be internal. The proposal would comply with policy D DM4 in that it would not alter the external appearance of the property nor have any additional impact on the residential amenity of neighbouring properties.

There are no unneighbourly impacts on neighbouring residents given the absence of fenestration changes.

The proposal complies with Policy QE SP1 and D DM1 of the Arun Local Plan.

COMPLIANCE WITH INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Apartments are classed as 1 storey dwellings in terms of space standards. 2 bed apartments must exceed 61 sqm for 3 people.

From the floor plans submitted both 2 bed apartments would satisfy the space requirements for 3 people. The first and second floor units have floor areas of approx. 76 sqm, the ground floor unit has a floor area of 98 sqm.

The proposal therefore complies with policy D DM2 of the Arun Local Plan.

In terms of outside amenity space, the first floor flat has a balcony and the ground floor flat would have access to the rear garden. It is not clear if the rear amenity space would be shared with the second floor flat, but the site is located close to the seafront and outside amenity areas if there is no access to private amenity area to serve this flat.

HIGHWAYS

Paragraph 108 of the NPPF states that in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF 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.

Policy T SP1 of the Arun Local Plan requires development proposals to incorporate appropriate levels of parking in line with ADC standards which require 2 spaces per unit. The current use has 3 car parking spaces on the front driveway which would be retained. The proposal would not provide adequate car parking provision, but the site is sustainably located close to the town centre shops, bus and train services and the beach and open space where a lower provision is acceptable.

Provision of cycle parking could be conditioned.

HERITAGE IMPACTS

The development will not result in any external alterations to the building of character and is in accordance with policies HER DM2 and HER DM4 of the Arun Local Plan and policy 17 of the Littlehampton Neighbourhood Plan. The local area is predominantly residential and the proposal to

convert the dwelling into three apartments would not be out of character.

FLOODING

The site lies in Flood Zone 3 and is at high risk of flooding. The proposal does not include a Flood Risk Assessment which satisfactorily demonstrates that the development is safe. Sleeping accommodation is not placed at least 300mm above the modelled flood levels to reduce the risk to occupants for the lifetime of the development. The proposal is therefore in conflict with policy WDM2(B) of Arun Local Plan.

SUMMARY

For the reason set out above it is considered that the proposal does not accord with Development Plan policy and is therefore recommended for refusal.

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 not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 In the absence of an acceptable flood risk assessment (FRA) complying with the requirements for site-specific flood risk assessments as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance the submitted FRA does not adequately assess the flood risks posed by the development. In particular, the FRA fails to take the impacts of climate change into account and provide a comparison between finished floor levels and modelled flood levels. The proposal conflicts with policy W DM2 of Arun Local

Plan.

- 2 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.