

Recommendation Report for Planning Permission

REF NO:	LU/84/21/PL
LOCATION:	36 - 38 Surrey Street Littlehampton BN17 5BH
PROPOSAL:	Change of use of premises to a mixed use comprising of 1 No. 4-bedroom HMO unit & retention of 1 No. bed-sit unit at first floor; 2 No. holiday let use units at ground floor with reduction in size of retained hairdressers & ancillary retail storage space & staff facilities to be provided at basement level. This application affects the setting of listed buildings & affects the character & appearance of the Littlehampton (River Road) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks permission for the change of use of premises to a mixed use comprising 1 bed-sit (as existing) and 1 no. 4 bedroom HMO unit at first floor; 2 no. holiday let use units, with retention of part of a hairdressers, at ground floor and ancillary A1 (now E) storage space and staff facilities at basement level.
SITE AREA	133 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	52 dwellings per hectare
BOUNDARY TREATMENT	Part defined by railings approximately 1m high.
SITE CHARACTERISTICS	The exterior of the building is painted white brick with one window to the East and 3 windows to the South on the ground level. The main entrance to the property is located on the East front of the building, a corner doorway with curved double doors, the top half of which are glazed, which currently serve as an entrance to the hairdressers. Next to this the shop front features a large bay window with a triangular head. The South front of the building includes 3 large windows with another external door.
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. Predominantly residential in River Road with buildings mainly of 2 storeys. Nearby Listed Buildings include 20 to 24 Surrey Street 32 Surrey Street (Public House) and Nos. 1, 4, 5, 7, 8, 10 and 12 River Road.

RELEVANT SITE HISTORY

LU/223/18/PL Conversion of basement & ground floor from Bookshop Refused
to 3no. holiday lets. This application affects the character 10-01-19
and appearance of Littlehampton River Road
Conservation Area

LU/223/18/PL was for conversion of basement & ground floor from Bookshop to 3no. holiday lets was refused for the following reason:

'The site lies within Flood Zone 3 defined by the Planning Practice Guidance as having a high probability of flooding. The basement holiday dwelling, is classed as "highly vulnerable" in accordance with Table 2 (Flood Risk Vulnerability Classification) of the PPG for Flood Risk and Coastal Change. Tables 1 and 3 of the PPG make it clear that this type of development is not compatible with this Flood Zone, and therefore should not be permitted.

The Flood Risk Assessment (FRA) has not mentioned how flood risk will be managed following the development. As a result the safety of occupants will be reliant upon a strategy of prior warning and evacuation, or refuge in the building at a higher level and it has not been satisfactorily demonstrated that this is possible.

The proposal is therefore contrary to policy WDM2 of Arun Local Plan and the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance for Flood Risk and Coastal Change.'

This proposal has removed residential use from the basement of the premises to address the reason for refusal. It is now proposed to be used for ancillary A1 storage space and staff facilities.

REPRESENTATIONS

Littlehampton Town Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection.

The concept of the change of the use of the space is acceptable from a conservation area perspective as it enables compatible uses to be introduced; there is a mixture of residential and retail/commercial uses already present in the local area. The application is considered to not cause harm to the significance of the heritage assets or their setting.

Conservation Area Advisory Panel - No Objection The works should not adversely impact on the character or appearance of the conservation area.

Environment Agency - No Objection subject to imposition of appropriate condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
 Within Built up Area Boundary
 Designated Conservation Area
 Grade II Listed Building
 Secondary Retail Frontage
 Economic Growth Area

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)
HSP4	H SP4 Houses in multiple occupation
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
WDM2	W DM2 Flood Risk
EMPSP2	EMP SP2 Economic Growth Areas
RETDM1	RET DM1 Retail 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

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.

Policy 1: The Presumption in Favour of Sustainable Development of Littlehampton Neighbourhood Plan is considered relevant to 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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, or the established character of the surrounding area and would be acceptable in terms of flood risk.

Where the building is located in a Conservation Area, Section 71(1) of the Act 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 or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The building is currently in a mixed use, comprising 2 x residential units at first floor (a bed-sit, and a separate 3-bed flat), with A1 (now E) uses at ground floor comprising a book shop and a hairdressers, and ancillary space below at basement level which was previously tourist accommodation. Some internal works have been undertaken prior to the this application, which is in part retrospective.

The site is in the built up area boundary where conversion of the premises to residential tourism use is acceptable in principle subject to compliance with relevant planning policies. In this instance the main criteria against which the application will be assessed is that within policies DDM1, DDM4 , TOU DM1, HERDM1, RET DM1, HSP4 and WDM2 of the Local Plan, and the Nationally Prescribed Space Standards.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The proposal represents conversion of the existing building does not include any extensions to it. The appearance of the building would not be altered. The residential use would be in keeping with the character of the area and retention of the hairdressers at ground floor retains a commercial element which is also in keeping.

The accommodation comprises two holiday let uses at ground floor and an HMO use at first floor level, to replace an existing 3-bed flat, would comprise 4-bedrooms, and is envisaged as being suitable for 4 person occupation. If the property was a standalone single dwelling, then this change of use up to a 6 person HMO would comprise 'permitted development', and would not require planning permission. The proposal would result in a similar use (in terms of activity, frequency of movements, noise and disturbance) as the original flat. The development is in keeping with the general residential character of the area to the west. The conversion would accord with policy DDM1 of the Local Plan and Littlehampton Neighbourhood Plan Policy 1.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates development will be permitted if it positively takes into account impact on adjoining occupiers, land, use or property. Planning policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Policy QE SP1 requires all development contributes positively to the quality of the environment and that it does not have a significantly negative impact upon residential amenity and recreational activities enjoyed by residents. It is not considered there will be any harm associated with the residential use.

Whilst the premises is located adjacent to other residential properties, the levels of activity generated by the units would not be significant given that the site is located within the town centre. Traffic noise from parking and vehicle movements already exists in this area and the proposal includes cycle parking provision.

INTERNAL SPACE STANDARDS

The proposal has been considered in relation to the Nationally Described Space Standards. This requires a minimum gross internal floor area of 39 sqm for a single person flat. The existing bed sit which is being retained at first floor does not comply with this guidance having a gross internal floor area of 18sqm, but no changes are proposed to this unit. For the HMO the floor area is 79.4sqm. For a 4 bed 5 person single storey flat it would the standard is 90 sqm. The proposal does not meet this standard, but HMOs are subject to separate legislation in respect of room sizes. For the 2 one bedroom holiday lets it is 31.9sqm and 34.8sq m. The internal floor area of the one bedroom holiday units is below the standard of 39sqm but this would be acceptable given that the use would be on a temporary basis. The proposal provides a satisfactory living environment for the occupiers and would not adversely affect their residential amenity.

There is an external amenity space provided with the HMO unit and given their town centre location the lack of provision for the other units is considered acceptable on the basis that the seafront and recreational facilities are located close by.

HOUSES IN MULTIPLE OCCUPATION (HMO) - ARUN LOCAL PLAN POLICY H SP4

Policy H SP4 sets out criteria for which applications relating to Houses in Multiple Occupation are to be assessed and includes that a proposed HMO should not adversely affect the character of the area and its parking demands. It should also provide adequate areas of open space for future occupiers. An additional HMO in this part of Littlehampton would maintain a balanced range of accommodation and therefore would not adversely affect the character of the area.

There is no parking available but as discussed below this is a highly sustainable location in close proximity to a variety of alternative modes of transport that includes a nearby mainline train station and a host of bus services, the proposal is not expected to generate any excessive additional parking demand or traffic. The property has access to an outdoor roof garden supplemented by a nearby coastline and other areas of public open space.

The proposal therefore accords with policy H SP4.

HIGHWAYS AND PARKING

There is no car parking provided but the site is sustainably located in the town centre with easy access to bus and train services. Secure and covered cycle storage is indicated outside of the application site so it cannot be conditioned or considered as part of the proposal, but cycle parking for the holiday lets could be accommodated in the units if necessary. The proposal does not comply with policy T SP1 of Arun Local Plan in that there is no parking provided and therefore Arun Parking Standards are not met, but the

site is very close to alternative sustainable means of transport.

Further, the book shop employees would have generated some car parking which needs to be offset against the demand generated by the proposal.

TOURISM/RETAIL USE

The layout of the property includes two separate one-bedroom holiday let apartments at ground floor level in place of existing retail floorspace. Part of the retail use will be retained to the east side of the ground floor area. The proposal is acceptable in terms of its location close to existing facilities including shops/pubs and restaurants, the seafront, bus services and the transport network. Since there would be a no adverse impact on the character of the area the proposal would comply with policy TOU DM1 of the Local Plan.

The site lies in a secondary retail frontage and would not result in a concentration of non-retail uses to the detriment of the vitality of the town centre. The hairdresser use of part of the premises is retained together with its shop front at ground floor. Although the use was previously as a bookshop this use ceased some time ago and the proposal is retrospective. The proposal results in a loss of retail, but this is not considered to adversely affect the character of the area or the vitality of the town centre. The use would encourage more visitors to the town centre, potentially increasing footfall, which would provide a supportive role to the use of the town centre. The use would accord with policy RET DM1 of Arun Local Plan and policy EMP SP2.

Whilst it is acknowledged that the ground floor premises was previously a bookshop this use ceased several years ago. That commercial use is being changed to an alternative commercial use in the form of holiday lets. The proposal would fall in the exception criteria and would accord with part 2 of policy EMP DM1.

It is acknowledged that other buildings in the locality have residential uses above and that such uses would not be out of character. It is not considered that there is any harm arising to the vitality of the town centre location and it is not considered that refusal on the basis of EMP SP2 would be sustainable on these grounds. The use as tourism accommodation is a commercial use

The principle of additional accommodation will result in increased footfall in and around the town centre which will assist sales from local shops.

FLOODING

The site lies in Flood Zone 3, which is land defined by the PPG as having a high probability of flooding. Policy WDM 2 of Arun Local Plan requires development in areas at risk from flooding will only be permitted where defined criteria are satisfied. The proposal includes a site specific Flood Risk Assessment (FRA).

Residential escape in case of local flooding will be via the flood evacuation route included in the FRA. In the first instance, site users should seek to follow the evacuation route to places of safe refuge in Flood Zone 1/outside the 1:200 year (2115) undefended flood extent, and then seek emergency rest at the Littlehampton Swimming and Sports Centre once Flood Warnings have been lifted, if alternative accommodation cannot be sought. Information on flooding is to be given on all booking websites for the holiday lets. The FRA acknowledges the nearby flood defences could fail/breach without warning and this may hinder prior evacuation. In the event of defence breach, site users should utilise the internal stairwells to seek refuge to the first floor. The proposal represents conversion and new drainage would accord with Building Regs.

The Environment Agency have no objection to the proposal on the basis that the mitigation in the FRA

namely, that no residential or holiday let units are placed in the basement and that internal access from the ground floor holiday lets to the first floor must be maintained for use in an emergency is adhered to and the application is conditioned accordingly.

Given the application is for a change of use at ground floor from commercial to residential a sequential test is not required. Therefore the proposal would accord with policy W DM2 of Arun Local Plan.

HERITAGE

The property is Grade II Listed. Further heritage assets nearby include River Road Conservation Area, which abuts the site to the south, and nearby Listed Buildings including No's 20 - 24 Surrey Street, 32 Surrey Street (Public House) and No's 1, 4, 5, 7, 8, 10 and 12 River Road.

The NPPF requires Local Planning Authorities to identify and assess significance of a Heritage Asset that may be affected by proposals (para 190). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals. In accordance with para 189 of the NPPF a Heritage Statement has been prepared which assesses the impact the development has on the building and setting of nearby Listed Buildings and the Conservation Area.

The internal changes will not affect important original features of the building, and no external changes are proposed. The proposals will not detract from the character and appearance of the Listed Building, any nearby Listed building or adjacent Conservation Area. The proposal accords with the Development Plan in terms of heritage interests in compliance with Local Plan Policies HER DM1 and HER SP1, and the NPPF.

CONCLUSIONS

The application is therefore recommended for approval subject to the following 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 application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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;
Existing Floor Plans 203091/02
Proposed Floor Plans 213091/03
Location and Block Plans 203091/04

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

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Ambiental Reference: 5325 FEP and the following mitigation measures detailed within the FRA:

1. No residential or holiday let units may be placed in the basement.
2. Internal access from the ground floor holiday lets to the first floor must be maintained for use in an emergency.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants and in accordance with policy WDM2 of Arun Local Plan.

- 4 INFORMATIVE: The Environment Agency strongly 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.

Additional guidance can be found in our Floodline Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found at www.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of

new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 5 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.