

Recommendation Report for Planning Permission

REF NO:	LU/85/22/PL
LOCATION:	38-40 High Street Littlehampton BN17 5ED
PROPOSAL:	External alterations associated with the change of use of the upper floors to two flats (change of use sought under separate application for Prior Approval) consisting of installation of replacement dormer window to rear roof slope, installation of new ground floor access door to eastern side elevation; installation of 3 No new windows at first floor level to the western side elevation, installation of 1 No new window at second floor level to rear elevation, relocation of 4 No AC units from first floor western side elevation to the adjacent flat roof & installation of cycle storage and refuse and recycling storage within the rear curtilage. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to external changes to the premises to implement the use permitted under Prior Approval LU/82/22/PD. These works comprise the following: - Installation of a replacement dormer window to the rear roof slope to serve 2 bedrooms (increasing its size and altering its shape from pitched to flat roof). - Installation of new ground floor access door to eastern side elevation. - Installation of 3 No new bedroom windows at first floor level to the western side elevation (facing onto flat roof area). - Installation of 1 No new window at second floor level to rear elevation to serve TV/study room. - Relocation of 4 No AC units from first floor western side elevation to the adjacent flat roof. - Installation of cycle storage and refuse and recycling storage within the rear curtilage. All the replacement and new windows would be UPVC.
SITE AREA	0.03 hectares
BOUNDARY TREATMENT	Rear yard area is enclosed by walling and timber gates approx. 2m high.
SITE CHARACTERISTICS	The site comprises a three-storey commercial building in use as clothing shop at ground floor with ancillary offices, storage and staff facilities within the upper floors. There is a service yard to the rear with a separate access from Sparks Court. The building includes a single storey flat roof extension and a hipped roof two storey section to the rear elevation with a dormer window to the rear roof slope.
CHARACTER OF LOCALITY	The site is located in the town centre within the main retail

area.

RELEVANT SITE HISTORY

LU/82/22/PD Prior notification under Schedule 2, Part 3, Class G for the change of use of upper floors to 2 No flats.

LU/209/96 New Shopfront to existing Mackays shop Approve
14-11-96

Application LU/82/22/PD sought Prior Approval of the Local Planning Authority in respect of the change of use of the upper floors of the commercial unit of 38/40 High Street (Use Class E) to two flats, under Schedule 2, Part 3, Class G of the General Permitted Development Order (GPDO) 2015 (as amended).

It proposed that the first and second floor be converted to two flats. Unit 1 included an ensuite bedroom, W.C. and an open plan kitchen/living/dining room at first floor level in addition to four further bedrooms and two bathrooms at second floor level. Unit 2 included four ensuite bedrooms and an open plan kitchen/living/dining room at first floor level and two bedrooms with additional communal space at second floor level.

No objections were raised. The lawful use of the planning unit was not in question and the unit benefited from the rights set out in Class G. The merits of the proposal could not be taken into account. The legislation only allowed for the following aspects to be considered:

- (i) contamination risks in relation to the building.
- (ii) flooding risks in relation to the building.
- (iii) impacts of noise from commercial premises on the intended occupiers of the development.
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- (v) arrangements required for the storage and management of domestic waste.

REPRESENTATIONS

Littlehampton Town Council - Objection. The proposals constitute an overdevelopment of the site.

5 Objections

- Is this a suitable location for an HMO?
- Detrimental to the High Street. We are losing so many businesses and the store has been a long standing unit in this prime location.
- The ground floor retail space provides for no store or staff room/office so the actual retail space would be reduced and the current occupants may not find the unit viable for future rental due to the limited size.
- Why has the planning application only been posted at the rear of the property in Sparks Court and not at the front of the building the High Street?
- The planning statement does not mention that the building is a building of character. The upper floors on the frontage still reflect this and this should be taken into account in design and use of materials.
- 9 jobs and a shop will be lost resulting in a loss of trade to other traders as well.
- Will leave one clothes shop in the town reducing choice.

COMMENTS ON REPRESENTATIONS RECEIVED:

The use of the premises cannot be considered as part of this proposal. The application only relates to the proposed external changes. The ground floor of the premises has a display window and this would be retained. No part of the ground floor would be used as a flat. Any reduced size of the ground floor retail unit as a consequence of permitted development alterations to upper floors would be outside of planning control.

The use of the upper floors as 2 flats was considered within the Prior Approval request which did not include over development in the impact tests of Class G of the GPDO. Any approval for a unit of shared occupation is restricted to a maximum of 6 people living as a family.

Notices were posted to the front and rear of the site.

The front elevation of the building is not altered by the proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Recommend imposition of conditions in respect of controlling noise from the premises and construction.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

It would be unreasonable to impose a condition restricting noise emanating from the site. This would be controlled by other legislation and the site is located in a busy town centre where background noise levels are likely to be high.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Primary Shopping Frontage

Principal Shopping Area

Locally Listed Building

Economic Growth Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

[Littlehampton Neighbourhood Plan 2014 Policy 17](#) Buildings and Structures of Character

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

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, 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.

Policies 1, 2 and 17 of Littlehampton Neighbourhood Plan apply to this development.

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 there would be no adverse impact on the visual amenities or character of the area or the appearance of the locally listed building.

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

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

CONCLUSIONS**PLANNING BACKGROUND**

The proposal follows an earlier approved PD application (LU/82/22/PD) for prior approval in respect of contamination and flooding risks, impacts of noise from commercial premises on the intended occupiers of the development, the provision of adequate natural light in habitable rooms and arrangements for the storage and management of domestic waste. The proposed change of use from commercial to 2 residential flats is therefore permitted development and the only issues which the Committee are able to determine as part of this application are the elevation changes (including replacement dormer and

additional windows to rear and west side elevation) and repositioning of the air condensers on the roof of the ground floor.

PRINCIPLE

In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun Local Plan mainly D DM1, D DM4, QE SP1 and HER DM2 of the Arun Local Plan and Policies 1, 2 and 17 of the Littlehampton Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Adaptability, Crime Prevention, Density and Scale.

Policy D DM4 sets out criteria for assessing proposals to extend and alter existing buildings. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM2 requires proposals for the alteration or extension of buildings on the Local List to relate sensitively to the building or structure and its setting and respect its architectural or historic interest and preserve features which contribute to that interest.

Policy QE SP1 requires that 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.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development in the built up area boundary (BUAB). The application site is located within the BUAB.

Policy 17 of the Littlehampton Neighbourhood Plan states that the effect of a planning application proposal on the significance of these non-designated heritage assets will be taken into account in determining the application in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Part T of Arun Design Guide refers to mixed use schemes and suggests locating residential development above non-residential uses not only provides occupants of these dwellings with convenient access to shops, services and facilities but will also ensure activity and natural surveillance at all times of day and that schemes should provide residential uses on upper floors and ensure residential amenity.

VISUAL AMENITY

The proposal is for the replacement of a dormer window and additional windows and a door to the rear elevation. The style and materials of the windows would be similar to others on the rear elevation. The dormer would change shape from pitched to flat roof and the existing timber frames which are in a poor state of repair would change to UPVC. The proposed rear dormer would be of modest proportions, set well away from the ridge, eaves and edges of the roof and would result in an appropriate appearance, similar in character to the existing dormer. The windows are located on the rear of the building so they cannot be seen from the High Street elevation, only from Sparks Court to the rear.

The new ground floor access door to the eastern side elevation would be located within an existing

undercroft/alleyway section of the building and therefore would not result in any visual harm to the building.

The windows are in keeping with the proportions and appearance of the existing windows and do not appear out of keeping in the street scene and would not be overly obtrusive. They do not impact greatly upon the character of the area and do not materially affect the design of the properties.

The AC units would be re-located from the first-floor western side elevation of the rear to the flat roofed adjacent area. The number of AC units (4) would remain the same, they would be reconfigured and repositioned and therefore the visual impact would be neutral.

The cycle storage and refuse/recycling storage would be located to the rear of the building within the existing rear service yard and would be screened from view by the brick wall to the rear. Even though this is a discrete well screened position submission of details of the cycle store are conditioned to ensure they are visually acceptable.

The windows and alterations are appropriate in scale and design and cause no detriment to visual amenity and the proposal accords with policies D DM1 and D SP1 of the Local Plan.

RESIDENTIAL AMENITY

The proposal would not adversely impact on residential amenity. The proposed dormer window would retain the same outlook as the existing dormer and therefore the impact would be neutral in this regard. The proposed west facing windows would provide outlook towards the Dolphin public house and would not result in the loss of privacy to any residential dwellings. They would be located 7m from the side boundary and face a flank wall. The proposed second floor window would provide outlook to the rear and would not overlook any residential properties. In any case the inter visibility and overlooking of the rear of premises from rear windows is expected to be greater in a town centre location given the juxtaposition of properties.

The AC units would be located in a similar location to the existing arrangement and therefore would not generate any additional noise or amenity impact. The environmental health officer has raised no objection to their siting.

The cycle storage and refuse and recycling would not be located near to any residential windows and would be screened by the surrounding brick wall.

The works proposed works would be modest additions to the property and would not result in any adverse overshadowing, loss of outlook, loss of privacy or additional noise impact to neighbouring properties. The proposal therefore accords with policies D DM1, D DM4 and QE SP1 of Arun Local Plan.

IMPACT ON HERITAGE ASSET

The building is locally listed. It is classified as a Building of Character and it makes a positive contribution to local distinctiveness within the High Street. The proposed alterations would relate sensitively to the appearance of the building in accordance with policy HER DM2 and do not result in the loss of any features which contribute to its interest. None of the works impact the frontage of the building which makes a positive contribution to the character of the area and visual amenity. The alterations affect the rear elevation which is less visible in the public realm.

Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. A balanced judgement is required

having regard to the scale of any harm or loss and the significance of the heritage asset. On balance the scheme would not cause any harm or loss to the non-designated heritage asset due to the limited scale of the alterations and their design and similarity to other windows/structures to the rear of the building. The dimensions of the frames and glazing bars are similar to existing. The use of UPVC is acceptable because it replicates the materials used in other existing rear windows. The replacement windows are not overly dominant or out of keeping with other windows on the rear of the building. The windows are sympathetic with the building as a whole and would preserve the historic interest in the building in accordance with policy HER DM2 of the Arun Local Plan and policy 17 of Littlehampton Neighbourhood Plan.

CONCLUSION

The proposal complies with policies D DM1, D DM4, QE SP1 and HER DM2 of Arun Local Plan, Policies 1, 2 and 17 of the Littlehampton Neighbourhood Plan. The application is 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.

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:

Location Plan, Existing Floor Plans 2626 01
Existing Elevations, Sections 2626 02
Block Plan, Proposed Floor Plans, Elevations, Sections 2626 03

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 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.(In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition).

Reason: To protect the amenity of residents in accordance with Policy QE SP1 of the Arun 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: The applicant is advised that the construction phase of the development should conform with 'Arun District Council Construction Code of Practice: For small developments in Arun'. This document is available from:
[download.cfm \(arun.gov.uk\)](#).