

Recommendation Report for Planning Permission

REF NO: LU/86/22/PL

LOCATION: 46a and 46b Pier Road
Littlehampton
BN17 5LW

PROPOSAL: Demolition of existing buildings and erection of 2 No. buildings incorporating commercial (E) at ground floor with 4 residential units above.(Resubmission of LU/182/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal relates to the demolition of the buildings and the erection of 2 new buildings incorporating one building forward of the plot comprising x2 shop units at ground floor level and 3 residential units above on two further floors. The second block x 1 bed flat above a parking area for three cars plus bin and cycle storage. No amenity space is provided. An access road and hard landscaping would serve the servable areas.

The application is an identical resubmission of the same scheme as approved under LU/182/18/PL

SITE AREA 0.6 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 133 dwellings per hectare

TOPOGRAPHY Predominantly flat, but land rises to west.

TREES None affected by the development.

BOUNDARY TREATMENT Open boundary to the street and an arrangement of buildings to the rear of the plot making for a hard boundary treatment.

SITE CHARACTERISTICS Currently occupied by a retail use and small commercial property to the rear. The buildings are of poor quality, some being brick built whilst others are utilitarian structures. The present designs are of poor quality, leading to a poor environment and incongruous with the mixed use and redevelopment of this part of Littlehampton

CHARACTER OF LOCALITY Predominantly residential, but mix/retail/commercial uses at ground floor in Pier Road.

RELEVANT SITE HISTORY

LU/182/18/PL	Demolition of the existing buildings & erection of 2 No. new buildings incorporating commercial (A1) at ground floor with 4 No. residential units above.	ApproveConditionally 26-03-19
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LU/33/22/DOC Approval of details reserved by condition imposed under DOC Part Approved
 LU/182/18/PL relating to conditions 8-details showing set 30-03-22
 up during construction, 11-surface water drainage & 12-
 existing and resulting ground levels & slab levels of
 buildings.

REPRESENTATIONS

Littlehampton Town Council raise no objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The concerns above will be discussed in the assessment and conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage - No objection an recommend that drainage be managed through building control regulations rather than condition

Coastal Engineer - No objection

County Highways - No objection.

Environment Agency - No objection.

Southern Water - No Objection. The exact position of the public sewers must be determined on site before the layout of the development is finalised.

Economic Regeneration Officer - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Flood Zone
 Littlehampton Economic Development Zone
 Site attached to Building of Special Character - Local Listed

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
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

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.

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 and 2 of Littlehampton Neighbourhood Development 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 70(2) of 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies in the built-up area and sustainable settlement of Littlehampton, where the principle of redevelopment is considered acceptable. Given its location and current state of repair, the principle of modernisation and replacement of the existing building would be acceptable.

The building is attached to a building of local historic interest facing onto Pier Road. Whilst the proposal may have limited impact on amenity of neighbouring occupying uses, overall it improves the design and quality of the built environment and retains an active small scale retail frontage along Pier Road.

The site is in the Littlehampton Economic Growth Area (LEGA), where Policy EMP SP2 looks to support development that provides for additional or enhanced commercial or small-scale retail. The provision of an additional retail facility is considered to meet policy and supports the underlining thread of the LEGA provision.

Permission has been previously granted (LU/182/18/PL) for the same development as shown in this submission. The permission lapsed, however there have been no material changes to the site or its context since consideration of LU/182/18/PL, and the local policy framework remains the same. The emphasis of national policy with regard to the pertinent matters of this submission also remain unchanged. Noting the current housing land supply shortfall (2.42 years) para 11c of the NPPF is relevant for this decision as the most relevant policies in the plan are up to date.

VISUAL AMENITY AND CHARACTER OF THE AREA

The area is characterised by a traditional form of older style pitched roof properties with mainly brick and rendered elevations of 2 and 3 storey height. The terrace of properties to the north of the site are characterised by bay windows and the property immediately to the north and abutting the site is finished with a barn hip roof. Many of the nearby neighbouring buildings have been identified as Buildings of Special Character.

The buildings on the site are of no architectural merit and their replacement is welcomed and considered to make a positive contribution to the visual amenities of the area.

As per the previously approved scheme, the proposal broadly reflects the character of neighbouring properties. Although the scale of the building is comparatively larger than the current arrangement, it would appear appropriate in its context. The material finishes need to be of high quality in order for the scheme to have a neutral impact upon the neighbouring (and adjoining) property "Drill Hall which is designated as a Building of Character and this can be controlled through condition.

The development would accord with the Arun Design Guide Chapter P 'Infill Development' in that the development would respect the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot and continue the rhythm of the street.

The proposal would accord with the neighbouring properties and appear harmonious with the character

of the locality in accordance with D DM1 of the Arun Local Plan, Section P of the Arun Design Guide and the NPPF all of which relate to the creation of well-designed places.

The development would respect the character and appearance of the area in accordance with policies D DM1, D SP1 of the Arun Local Plan, Section P of the Arun Design Guide, and the NPPF.

HERITAGE IMPACT

In accordance with chapter 16 of the NPPF and Policy HER SP1 of the Local plan, the proposal would have an acceptable impact on nearby Buildings of Character, in particular the adjoining Drill Hall. The modest scale and simple detailing of the proposal would ensure that it would conserve the non designated heritage assets in a manner appropriate to its significance.

Para 203 of the NPPF states in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal would not have a significantly detrimental impact on the setting of nearby buildings of character, especially within the context of the streetscene, which demonstrates a close knit pattern of development.

The addition of needed housing stocks is a benefit which outweigh any harm to the significance of the asset. Overall, it is considered that the proposal complies with the guidance in the NPPF and with policy HER SP1.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Policy QE DM1 provides guidance in respect of new noise generating development and states applications should be accompanied by a noise assessment. However, it is not considered relevant to require a noise assessment for new residential development in a residential area.

Part H of the design guide provides indicative acceptable spacing between habitable rooms. The layout would provide a 500mm gap to the private garden to the rear of the plot (to the east), and a 1m gap with the shared boundary with no.46a & 47 Pier Road. The rear block would sit against the site to the North namely "46 Pier road". Although these distances are tight, neither of the buildings would have windows serving the residential uses on either edge of the site impacting on third parties or on each of the proposed buildings. The proposal has been designed to limit overlooking and the impact on neighbouring amenity is limited. The buildings by virtue of their scale are of a step design, the lower to the rear of the plot and the higher at the front. The resultant rhythm of the roof levels allows for a step design and introduces a ridge height at a subservient level to the terrace of properties to the west. The revised plans introduce hips to the design to avoid a block/solid appearance. Therefore, there is no considered overbearing impact from the differences in height of buildings.

The proposal is considered not to result in any material harm. The outlook from the proposal is notably onto the River Arun. The proposal accords with Part P of the Arun Design Guide and policies D DM1, QE DM1 and QE SP1 of the Arun Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The following is a breakdown of the proposals versus the space standards:

Unit no. - Storeys/Beds/Persons - Requirement - Proposed - Compliance (Y/N)

1 - 1b1p - 37m2 - 42m2 - Y
 2 - 1b1p - 37m2 - 37m2 - Y
 3 - 1b1p - 37m2 - 37m2 - Y
 4 - 2b2p - 50m2 - 50m2 - Y

Therefore, all of the flats comply with the standards in respect of internal space.

The scheme would provide units on the first and second floor of both buildings only, and court yard access. It is acceptable not to provide outdoor amenity space for residents as the development is easily accessible to open seaside and open space. It is also noted that the accommodation is largely for non family residents.

The proposal accords with Policy D DM2 of the Arun Local Plan.

EMPLOYMENT OPPORTUNITIES

Policy EMP SP2 of the Local Plan encourages the Council to work with partners to enhance local employment opportunities within the following Economic Growth Areas. Supporting development that provides for additional or enhanced small scale retail opportunities. The proposal seeks to increase the current retail offering to two units at ground floor which is compatible with first floor and neighbouring residential uses. The proposal provides a net gain of employment opportunities in the area. The provision of an additional retail facility is considered to meet this Policy and supports the underlining thread of the LEGA to its benefit.

The proposal complies with policy EMP SP2 of the Local Plan

HIGHWAYS

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Highways raise no objection to the level of parking provision and access as submitted. They previously considered the site has been used by a number of vehicles in the past, and although the access is considered substandard, having undertaken a check on the accident records at the proposed point of access onto Pier Road, suggests there have been no recorded accidents in the last 10 years. This confirms there have been no accidents in relation to the proposed use of access at this point.

There is unlikely to be any material change to the traffic patterns as a result of the application. The site is sustainably located in close proximity to a railway station and alternatives mode of transport. It is not

considered that the proposal would not have 'severe' impact on the operation of the highway network, and by virtue of its location would have a lower parking demand which is acceptable.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with the guidance on highway safety within the NPPF.

FLOODING

The site is in flood zone 3. Due to the proposed mixed-use scheme, the development is considered to be a "Less Vulnerable" and "More Vulnerable" for the development of the commercial (ground floor) and residential use (first floor) respectively, under the vulnerability classifications of the NPPF.

As per the lapsed permission the development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the temporary lifetime of the development.

The Environment Agency (EA) recommend that the owner/occupants sign up to the EA Flood Warning Service and have a flood evacuation plan and that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation 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. Officers are satisfied of this mitigation measure.

No sequential test (ST) has been submitted with the application. An ST is not required where there is a change of use. In this case a change in uses takes place with the introduction of the residential units but this is achieved through additional building. A change of use application could have been sought for the existing use to residential at ground floor which would not have required an ST. The residential properties are at above ground floor level reducing risk to life and in these circumstances, including the previous grant of consent, it is reasonable to allow the permission without the submission of the ST.

The proposal complies with policy QE SP1 of the Arun District Local Plan and the provisions of the NPPF.

RENEWABLE ENERGY

Policy ECC SP2 & ECC DM1 of the Local Plan requires that all new residential development is expected to provide energy efficient measures. The proposal will be required to meet current standards for energy efficiency through building regulation controls to meet ECC SP2(a). The design and layout of the proposal demonstrates an acceptable layout therefore it could be considered that ECC SP2(b) can be met. The proposal via its planning statement does not demonstrate how it is intended to incorporate decentralised, renewable and low carbon energy supply systems, therefore, a condition is recommended to ensure that the proposal will meet the requirements of ECC SP2(a) and (c). Whilst none are specified a condition is recommended to provide a scheme for the charging of electric vehicles, as stated in Policy T SP1(iv) of the Arun Local Plan.

CONCLUSION

On the basis of the above assessment the application is recommended for approval subject to 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

TA 1098/01
 TA 1098/10 rev C
 TA 1098/11 rev B
 TA 1098/12 rev D
 TA 1098/13 rev B
 TA 1098/14 rev C
 TA 1098/15 rev C
 TA 1098/16 rev D
 TA 1098/17 rev C
 TA 1098/18 rev C

Surface Water Drainage Strategy Phase 1 FRA Ref FRA4023 Final V 1.0

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 hours of opening for the two Retail units hereby approved shall be:

09.00 to 18.00 hrs Monday-Saturday 10:00 to 18.00 on Sundays & Bank Holidays.

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.

- 4 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for its designated use.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan .

- 5 No development shall commence beyond the damp proof level until a schedule of materials has been submitted to and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the construction specification for the proposal hereby permitted.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies D DM1, D DM4, HER SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

- 8 The provisions approved under application ref LU/33/22/DOC shall be implemented and retained throughout the period of construction. In addition, a banksman shall be on site at all times and will assist with safe traffic and pedestrian movements during loading/unloading of vehicles.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan.

- 9 No windows (other than those shown on the plans hereby approved) shall be constructed in the North or east elevation of the main building forward of the plot. In addition no windows (other than those shown on the plans hereby approved) shall be constructed in the south and east elevation of the secondary building (to the rear of the plot) hereby permitted which adjoins the side boundary with 47 Pier Road and Victoria Gardens without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with

policies D DM1 & D DM4 of the Arun Local Plan.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2018) and the following mitigation measures detailed within the FRA:

- Finished floor levels of first floor are set no lower than 5.23m above Ordnance Datum (AOD).

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.

In accordance with policies QE SP1 of the Arun District Local Plan.

- 11 The development shall proceed only in accordance with the levels approved under application ref LU/33/22/DOC and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the area and neighbouring residents in accordance with policy DDM1 of the Arun District Local Plan.

- 12 INFORMATIVE: The Environment Agency recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan and that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation 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. More information can be found in 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

- 13 INFORMATIVE:
Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 15 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.