

PLANNING APPLICATION REPORT

REF NO:	LU/382/21/PL
LOCATION:	71 High Street Littlehampton BN17 5AE
PROPOSAL:	Refurbish and renew the first and second floors of the existing building to the southern side of the site, with a new build proposal to the northern half of the site, creating a new entrance and entrance stairwell with bicycle and bin storage to the existing ground floor area and a new two storey (1st and 2nd floor) build co-living, 23 bed HMO scheme above, together with the change of use to the former bank (Use Class E) to four commercial units (Use Class E). This application may affect the setting of a listed building.

SITE AND SURROUNDINGS
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DESCRIPTION OF APPLICATION	<p>This application seeks planning permission to refurbish and renew the first and second floors of the existing building to the southern part of the building (fronting the High Street). There will be a new build to the northern half of the site alongside East Street. This will create a new entrance with bicycle &amp; bin storage to the existing ground floor area and a new two storey (1st and 2nd floor) co-living, 23 bed HMO scheme above. The former bank will be converted into four commercial units under Use Class E with floor areas of between 36m2 and 61m2. The proposal also incorporates separate entrances, commercial display areas, separate cycle stores, 2 stairwells and a shared bin store.</p> <p>The proposed first floor would have 11 no. 1 bedroom units, each with en-suite toilet and bathroom, storage unit and single aspect window. There are communal kitchen &amp; dining rooms, utility rooms and a 35m2 communal terrace. The bedroom sizes range from 9.9 to 16.0m2. The proposed second floor would have 12 no. similar 1 bedroom units ranging from 10.2 to 16.3m2.</p> <p>The floor levels and ceiling heights integrate with the existing floor levels and ceiling heights of the existing building. The roof design of the proposed extension is part flat and part pitched with the latter reflecting an existing roof and extending along the East Street frontage to mask the flat roofed element behind. The roof also incorporates photovoltaic panels for renewable energy generation. The application has also been amended to propose sash style windows in the upper floors to match those on the existing building.</p>
TREES	None affected.

SITE CHARACTERISTICS	The application site is situated at the corner of High Street and East Street. It comprises of a 3 storey business premises and was previously occupied by Barclays Bank. There is no space for any parking on the site.
CHARACTER OF LOCALITY	The area is part of the town centre which is predominantly commercial but there are also other uses including residential dwellings.
There is no recent or relevant site history.	

REPRESENTATIONS

Littlehampton Town Council have objected on the grounds of overdevelopment, design and parking provision. They did however welcome the new commercial units.

Five other objections (including from the Littlehampton Society) raising the following concerns:

- Poor & unresponsive design including the flat roof and modern windows.
- The building is locally listed and opposite Grade 2 Listed Buildings and the East Street Conservation Area.
- Three storey height is not in character.
- Overshadowing of adjacent building to north.
- Overloading of the existing sewer.
- No parking provision.
- Conversion to flats would be better.
- Proliferation of HMO uses in Littlehampton and reduction in wealth of the town's residents.
- Local need is for family housing.
- HMO accommodation does not provide for a good quality of life.
- Encourage undesirables into the town centre; and
- Location is dangerous for young children due to busy roads.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Town Council and objectors are noted, and the objections are considered in the conclusions section except as discussed below.

- The impact of the HMO on the wealth of residents is not a material planning consideration.
- There may well be a need for family housing but it would not be sustainable to refuse on this basis and in any case conversion to flats may not suitable for all family sizes.
- HMO accommodation provides for a specific housing need and is supported by the NPPF and by policy H SP1 of the Arun Local Plan. Quality of life is not a consideration of this policy.
- There is no evidence to suggest HMO residents are undesirables; and
- WSCC raise no objections on highway safety grounds and traffic speeds in this location are low.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to a condition to prevent any habitable rooms or residential units being located on the ground floor.

**WSCC HIGHWAYS** - no objection subject to conditions to secure a construction management plan and cycle storage. Comment:

- There are extensive parking controls in the area to prevent unsafe on-street parking.
- There is good connectivity for pedestrians in this location.
- Servicing will be from the carriageway as per the existing arrangements.
- The proposal as a whole generates a minimum demand of 34 parking spaces based on the council's standard of 1 space per 1 bed flat and the commercial floor areas. However, the HMO use coupled with the town centre location combine to reduce the demand for parking.
- It is also noted that there is no parking for the former Bank/office uses.
- A car parking capacity survey has been undertaken to review overnight parking availability within 200m of the site and this shows that there is some capacity for long stay parking on Goda Road or Church Street as well as local car parks. Therefore, raise no objection to the nil parking provision.
- The new trip generation is likely to be negligible and will be absorbed by the existing local road network; and
- Site is located where various sustainable transport modes can be utilised within acceptable travel distances.

**ADC DRAINAGE ENGINEERS** - no objection and advise no conditions. State any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

**ADC ENVIRONMENTAL HEALTH** - no objection subject to conditions regarding noise assessment, sound insulation, plant noise, post construction noise validation, land contamination and construction management.

**ADC PRIVATE SECTOR HOUSING** - no objection and advise a number of points as regards fire safety, internal room sizes, ventilation and safety of balconies which will be relevant for when a license is applied for.

**ADC CONSERVATION OFFICER** - comments set out in full on the website but in summary:

- The building is designated as a Building of Character (a non-designated heritage asset).
- The site is opposite three Grade II Listed Buildings (67/99 High Street & 1 East Street) and is within 20m of the East Street Conservation Area which starts beyond no. 4 East Street.
- No objection to the changes of use of the existing building.
- Concerned with the size, height, scale, massing, form and detailing of the extension.
- State the height and form of the building will appear incongruous, overlarge, and distinctly out of keeping with the two storey, pitched roof form of the buildings opposite and to the north of the application site.
- The flat roof is out of character as are the proposed windows.
- Concern over the loss of visual separation between the host building and 2/4 East Street; and
- The proposal is such that the impact can be described as causing less than substantial harm and it will be necessary to weigh this harm against public benefits.

**CONSERVATION AREA ADVISORY PANEL** - objection: concerns over the size, height, scale, massing, form and detailing of the proposed extension. The proposal will harm the existing heritage asset and those nearby.

## **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted except as discussed below:

ENVIRONMENT AGENCY - their position is acknowledged however a specific condition is not necessary as the plans clearly show no habitable accommodation on the ground floor and any permission will be made subject to the submitted plans.

WSSC HIGHWAYS - a construction management plan condition would not be appropriate for a site of this size so instead a construction working hours condition will be imposed. The plans already show cycle storage however a condition is still necessary to ensure that this is provided and to control the details of internal bike racks in the interests of security.

ADC ENVIRONMENTAL HEALTH - as above re the construction management plan condition. A contamination condition is not necessary as the extensions are largely taking place above an existing building and only approx. 25m2 of non-built on land is being developed. A condition will instead be imposed to cover a situation where unexpected contamination is found. The requested noise conditions will be covered by the Building Regulations and so are not appropriate.

ADC CONSERVATION OFFICER - revisions have been made to the design to change the flat roof for a pitched roof and to maintain the existing window design. The Conservation Officer has verbally stated that he is happy with these changes but maintains a concern with the height of the extension, loss of the stepped nature of the existing building and the loss of visual separation to 2/4 East Street.

POLICY CONTEXT

Designations applicable to site:

- Built Up Area Boundary.
- Building of Character.
- Close to Grade II Listed Buildings and the East Street Conservation Area.
- Flood Zone 3.
- Secondary Retail Frontage.
- Littlehampton Town Centre.
- Littlehampton Economic Growth Area; and
- Within 2km of Climping Beach SSSI.

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP4	H SP4 Houses in multiple occuption



QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

<a href="#">Littlehampton Neighbourhood Plan 2014 Policy 1</a>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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
SPD9	Buildings or Structures of Character

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. The relevant policies in the Littlehampton Neighbourhood Development Plan have been taken into account in the 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 for development within the Built-Up Area Boundary and would not cause demonstrable harm to highway safety, local character or residential amenity. It would also not conflict with development plan policies regarding flooding. However there is harm to heritage assets and an under-provision of parking.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal will result in less than substantial harm to the setting of the nearby Listed Buildings.

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**

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the report below in respect of heritage and parking provision.

**CONCLUSIONS**

**PRINCIPLE:**

The site lies within the built-up area boundary (BUAB) where residential development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and policies 1 & 2 of the Littlehampton Neighbourhood Development Plan (LNDP) and provided it is in accordance with other policies of the ALP covering such issues as flood risk, biodiversity, heritage, design, highway safety/parking, residential amenity, space standards, pollution, and climate change.

ALP policy RET DM1 allows for town centre uses on secondary retail frontages. The policy sets out a clear preference for A1 retail shops and places additional restrictions on uses in classes A2 (financial & professional services) and A3 (food & drink). However, as of August 2020, A1-A3 uses are now all within the E use class and so the proposed commercial units could take the form of any such uses without the need for planning permission. It is positive that all commercial units have display windows. It should also be noted that policy RET DM1 sets out support for the use of vacant upper floors for residential uses.

**PLANNING POLICY ON HMOs:**

ALP policy H SP4 states planning applications for houses in multiple occupation (HMOs) will be favourably considered where the proposal contributes to the creation of sustainable, inclusive, and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.
- b. Do not contribute to the generation of excessive parking demands or traffic in an area; and
- c. Provide adequate areas of open space.

The location is predominantly commercial and separated from other housing areas although there are other dwellings in the town centre area such as above commercial premises (and so similar to what is proposed) therefore the character of the area would not be significantly harmed. As stated above, policy RET DM1 states support for the use of vacant upper floors within principal shopping areas for residential uses. Design and heritage impact are discussed elsewhere.

As per the Councils Parking Standards SPD, the proposal as a whole generates a minimum demand of 34 parking spaces. This takes account of the 1 space per 1-bedroom residential use standard (23

spaces) and the minimum position for the commercial units (this being dependent on the final use of the units). There is no space on the site to provide car parking and so none is proposed which results in conflict with ALP policy T SP1.

However, it is material that there are extensive parking controls in the area to prevent unsafe on-street parking, the site is in a highly sustainable location with good access to bus & rail services and cycle & walking routes and a parking capacity survey has shown there to be overnight parking availability within 200m of the site. In addition, the proposal includes cycle stores to accommodate 14 cycles for the commercial units and 28 for the HMO use. This provision is in excess of the minimum requirements set out by the SPD. WSCC Highways raise no objections regarding parking provision.

Policy H SP4 does not define what level of open space is adequate and the Councils Design Guide only provides standards for flatted accommodation. The scheme includes a 35m<sup>2</sup> communal terrace at first floor and the site itself is located in easy reach of nearby public parks and the seaside. Balconies would not be appropriate in this location due to the narrow nature of East Street (and so balconies could reduce the existing interface distances) and the need to maintain the existing character.

Overall, whilst there is some conflict with the policy in respect of parking, there are material considerations that serve to outweigh any harm arising from this.

#### **FLOOD RISK:**

The whole of the site area lies in Flood Zone 3. ALP policy W DM2 states that development in areas at risk from flooding, will only be permitted where certain criteria have been satisfied. The National Planning Practice Guidance states that residential development in Flood Zone 3a is only acceptable provided that the sequential and exceptions test are met. However, commercial development is appropriate in such locations.

The applicant has supplied a Flood Risk Assessment (FRA) which refers to both the sequential test and exceptions test. The latter requires (1) that the proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and (2) that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall.

The FRA states that residential development in this location is acceptable as it is entirely comprised within the upper floors of an existing building so the habitable accommodation will be out of the flood area and that it will provide for much needed housing within a central and highly sustainable location. Residual risks will be limited to exceedance rainfall events causing overtopping of the designed drainage or blockage in underground drainage. It is proposed to construct the ground floor using flood resilient construction methods to include:

- Concrete floors at ground floor where feasible.
- Raised electrical wiring.
- Closed-cell insulation below predicted flood level in external walls and on pipework and services.
- Air brick protection; and
- Fixtures and fittings to be made from waterproof materials.

The Environment Agency have considered the FRA and raise no objections provided that there is no habitable accommodation at ground level as is proposed. The proposal is in accordance with ALP policy W DM2.

#### **HERITAGE:**

The application property is designated by the ALP as a Building of Character and so is classed as a non-designated heritage asset. In addition, the site is opposite three Grade II Listed Buildings (which are all joined together) and within only a short distance of the East Street Conservation Area.

ALP policy HER SP1 states that development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM2 requires that buildings of character be extended/altered sensitively and that such works respect its architectural, landscape or historic interest. Interest features should be preserved. HER DM3 sets out criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (b) Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape, or streetscape in the area; and
- (f) It does not harm important views into, out of or within the Conservation Area.

Paragraph 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202).

In respect of non-designated heritage assets, it is necessary to refer to the guidance in para 203 which 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 is supported with a heritage statement, but the Conservation Officer states it provides little information regarding the significance of the heritage assets affected. The Conservation Officer considers the host building to have some architectural significance particularly the step down in height from three to two storeys on the corner of East Street & the High Street. The Conservation Officer also states the nearby Grade II Listed Buildings are of historical significance and that the East Street area in the vicinity of the site contributes to the setting of the Conservation Area.

The Conservation Officer raises no concerns with the proposed uses and is happy with the changes made to the roof form & windows but states the height and form of the extended structure will appear incongruous, overlarge, and distinctly out of keeping with the two-storey form of the buildings opposite and to the north of the application site. There is also a concern as to the loss of the existing separation between the host building and the building identified as 2/4 East Street to the north. It is concluded that whilst there may well be potential to provide a larger extension to the existing building, this would have to be of appropriate materials, design etc.

The Conservation Officer advises that there will be harm and that it is categorised as less than substantial. As such, it is necessary to take account of the public benefits of the proposal which consist of:

- The contribution to the Councils current housing land supply (HLS) shortfall.
- The provision of residential accommodation to meet a specific need in the community.
- The financial benefits to the town centre from the occupants of the 23 new HMO bedrooms.
- The new natural surveillance of this town centre area that the occupiers will provide.

- The reuse of existing vacant upper floor areas.
- Residential development in a highly sustainable location thus reducing pressure on roads elsewhere; and
- The creation of a co-living environment thus promoting social interaction and inclusion.

The height and form of the extensions partially conflicts with the development plan policies in respect of the proposed height, solid building form (loss of the existing stepped nature) and affect on the separation to the adjacent building, but it is material that due to the public benefits, there is no conflict with the NPPF guidance. There will be only less than substantial harm to the Conservation Area or the nearby Listed Buildings. Conditions will be imposed to ensure that the extensions match with the existing materials and also to control the materials used on the new windows as the Conservation Officer objects to the use of uPVC.

#### DESIGN:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality.

Section J of the Arun Design Guide refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. Roof extensions should not be visually intrusive or block light into surrounding properties. They should not detract from the character and appearance of the building and local area.

The extensions will extend out from an existing secondary roof form on the host building thus ensuring continuity with the host building and a sense of subservience to the existing main roof ridge. The extensions are significant and will result in a change to the character of the streetscene with the change from a stepped down building and significant area of single storey to a solid three storey building. However, the proposed fenestration and roof form will be coherent with the existing design and the use of render also reflects the Bank building in style such that the new build will be read as a continuation of the built form.

The majority of the buildings immediately opposite are two storeys however there is existing three storey development elsewhere in the streetscene - the host building, on the south side of the High Street, to the west on Smarts Corner & the adjoining building on East Street, to the north on the corner of East Street & Anchor Springs (the former Waitrose building) and also to the east above commercial premises on Church Street. The scale of the proposed extension will also help to screen out views from the street of the more modern 3 storey brick block of flats to the east which will be positive. The Arun Design Guide advises that development of this size and density is generally appropriate in the town centre area.

Therefore, the proposed scale, form, massing, and design details of the proposal is acceptable, and the proposal is in accordance with the aims of the relevant ALP policies and the Design Guide.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on interface distances between dwellings and these are: 21m for back-

to-back, 16m for front to front and 14m for front/back to side.

The proposed extensions largely maintain the existing built footprint on the site with the exception of the incorporation of an approximately 1.4m deep (12m long) area on the west side of the building towards the rear and then the inclusion of the existing rear courtyard. However, separation distances to the extended part are in the region of 16m but this is due to an existing built situation. New upper floor windows will look out over the roofs opposite thus not resulting in new overlooking. There are no windows on the southern flank elevation of 2 East Street therefore no harm to the flat at the first floor of this building.

As per the requirements of ALP policy QE DM1, a noise assessment has been provided which concludes that sound insulation methods and thermal double glazing will be sufficient to protect future occupants. The Council's Environmental Health Officer raises no objections and recommends conditions relating to noise insulation and noise mitigation from any new plant and these will then ensure that no existing or future residential occupiers are adversely affected by noise from the new commercial units.

The proposed development will not result in significant adverse harm on the residential amenities of existing or future occupiers to justify a refusal in this instance. Therefore, the proposal is in accordance with the relevant ALP policies.

#### **QUALITY OF ACCOMMODATION:**

Both the ALP policy D DM2 and the Design Guide require that new residential development provide sufficient internal living space to ensure a decent standard of amenity for future occupants. However, the national standards do not provide any relevant guidance for HMOs and as such accommodation has shared living accommodation, it is not appropriate to apply the standards for a 1 bed flat.

The Council's Private Sector Housing Team has stated that room sizes should meet the minimum standards for houses in multiple occupation but also that any property that has 5 or more people sharing facilities will require a license from the Council and the property must meet minimum standards. As this is covered by separate legislation, it is not a material planning consideration and does not require assessment through this planning application.

Notwithstanding, it is noted that the new HMO bedrooms will all have south, west or north facing single aspect windows, private bathrooms and storage space and that there is access to a communal terrace accessible from the first floor.

#### **HIGHWAY SAFETY:**

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para 110 of the NPPF states: "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". Para 111 states: "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."

WSCC Highways have not raised any objections and state the proposal would not have an unacceptable



impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. Therefore, the proposal is in accordance with ALP Policy T SP1. Car and cycle parking has been discussed elsewhere in this report.

**WASTE:**

ALP policy WM DM1 advises that all new residential development must be designed to ensure that kerbside collection is possible for municipal waste vehicles. Section H.07 of the Arun Design Guide advises that it should meet the requirements of users of the buildings while being as unobtrusive as possible. It should be convenient and safe for users to access and ensure efficient collection by waste vehicles.

The proposal incorporates a single bin store within the building which can be accessed internally and also externally to allow easy kerbside collection without the need to put bins on the roadside. Therefore, the waste solution will adequately cater for the waste generated from the proposed development and complies with WM DM1.

**TELECOMMUNICATIONS:**

ALP policy TEL SP1 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy will be adhered to by means of a condition to require evidence of such a connection before the HMO rooms and commercial premises are occupied. On this basis, there is no conflict with the policy.

**CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:**

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The proposal incorporates photovoltaic panels on the roof of the second floor to generate renewable power. This is positive and is compliant with the policies.

**BIODIVERSITY:**

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing buildings in town centres tend to have low potential as habitat for protected species therefore this is acceptable. However, it is still necessary to demonstrate biodiversity net gain. As there is no response from the applicant on this, it is proposed to impose a condition to require that suitable bird boxes be placed on the building. This would satisfy policy requirements.

**SUMMARY:**

This report identifies policy conflicts relating to an under provision of parking and harm (less than substantial) to heritage assets. However, there are either material considerations to outweigh the policy conflicts or the harm is outweighed by public benefits. The proposed development would represent a small boost to the Council's current HLS shortfall, meets the definition of sustainable development, is generally policy compliant and an approval would accord with paragraph 11c of the NPPF. The proposal is therefore 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 makes no reference to provisions for disabled access. The floor plans do not include any lifts thus preventing access to the upper floors for disabled or those with mobility issues. The elevations do not show level access to any of the commercial units except for unit 3 (the former bank entrance) however ramps could be added at a later date to ensure level access to the remaining units. As such, the proposal as it stands would largely preclude access by those with a disability but would have a neutral impact on the other protected characteristics.

**CIL DETAILS**

There is no CIL payable for residential development of more than 11 units in Zone 4 or for town centre shop developments in all areas.

**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:

0419-P001 RevA.  
0419-P002 RevA.  
0419-P003 RevA; and  
0419-S001.

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 ground floor commercial units shall be used for class E (a), (b), (c), (d), (e) or (g) (i) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of the residential properties above and the vitality & viability of the town centre area in accordance with Arun Local Plan policies QE SP1, RET DM1 and D DM1.

- 4 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 (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 5 No works to the extensions shall take place unless and until the applicant has submitted a scheme for approval in writing 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 incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with the NPPF and policy ECC SP2 of the Arun Local Plan.

- 6 No works to the extensions shall take place unless and until full details (design, operation & materials) of the proposed new windows and external doors to be used in the extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions. Once approved, the development shall be undertaken in accordance with these details and retained as such at all times thereafter in perpetuity.

Reason: In the interests of the heritage value of the host building and the surrounding historic character in accordance with policies HER SP1, HER DM1 and HER DM2 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until details of the method of securing cycles within the proposed bike stores have been provided to and approved in writing by the Local Planning Authority. The cycle stores and associated racks shall then be provided and retained in good working condition in perpetuity.

Reason: To provide secure alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 8 Prior to the occupation of any of the new dwellings or commercial premises, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a

dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 9 No part of the development shall be first occupied until full details of the placement of two suitable bird boxes on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 10 The materials, finishes and detailing of the external walls, roofs and guttering of the extended building hereby permitted shall match in design, colour and texture with those of the existing building.

Reason: In the interests of amenity and heritage in accordance with policies D DM1, HER SP1, HER DM1 and HER DM2 of the Arun Local Plan.

- 11 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 12 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 13 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](http://www.southernwater.co.uk). Please read the New Connections Services Charging

Arrangements which is available to read at:

<https://beta.southernwater.co.uk/infrastructurecharges>.

- 14 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 15 INFORMATIVE: The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following web document may also be useful: [www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings](http://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings).

The applicant/occupants should also phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

- 16 INFORMATIVE: Please note the recommendations of our Private Sector Housing Team on our website dated 19/01/22 which includes guidance on fire safety, ventilation, railings to terraces/balconies, other hazards and HMO standards.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.](#)

**LU/382/21/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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