

PLANNING APPLICATION REPORT

REF NO: LU/49/23/PL

LOCATION: Flat Above
62 High Street
Littlehampton
BN17 5EA

PROPOSAL: Alterations to existing shop and flat to create 2 No additional flats with new window at front elevation and 5 No new secure cycle spaces within alleyway next to the communal entrance to the flats. This application is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of existing maisonette flat above the shop to provide a total of 3 flats, including alterations to the ground floor shop.
	The existing flat located on the first and second floors of the building, comprises a 4-bed unit. It is proposed to subdivide the unit to create 3 no. 1-bed units overall. Two of these would be located on the first floor with the third on the second floor. The conversion involves first floor fenestration changes, bike storage and boundary treatments.
SITE AREA	0.03 hectares.
BOUNDARY TREATMENT	1.8m high fence to rear.
SITE CHARACTERISTICS	Mixed use site. Ground Floor commercial lock-up shop with residential accommodation above.
CHARACTER OF LOCALITY	Mixed commercial and residential.

RELEVANT SITE HISTORY

LU/275/16/PL	Alterations to existing shop & flat to create 1 No. additional flat.	ApproveConditionally 17-11-16
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Permission was granted in 2016 to create 2 units, but was not implemented.

REPRESENTATIONS

Littlehampton Town Council - Objection:
Concerns over size, safety and ventilation. Overdevelopment of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

Drainage Engineers - No comments to make.

Given the size and scale of the application drainage issues will be dealt with at the Building Regulations phase.

Private Sector Housing - Advice.

Room sizes appear to be small for the first floor south and north facing flats.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in conclusions section.

POLICY CONTEXT

Designation applicable to site:

Town Centre Retail Boundary

SSSI Buffer Zone

Economic Growth Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
RETDM1	RET DM1 Retail development

[Littlehampton Neighbourhood Plan 2014 Policy 2](#) A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 NP 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 complies with relevant Development Plan policies in that the proposal will not cause significant harm to the character and appearance of the area, nor the residential amenity of neighbouring occupiers.

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

The proposal would contribute a net gain of two dwellings to housing stock within the district. There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is located within the built-up area where the principle of development is acceptable in accordance with SD SP2, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan mainly D DM1, D DM4, D DM2 and RET DM1(2) which seeks to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

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

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development in the built up area boundary. The development is located within the BUAB and therefore accords with Policy 2.

The site lies within the Primary Retail Frontage of Littlehampton. The use of the ground floor for a retail use would not be affected by this application and therefore there would be no adverse effect on the vitality and viability of the shopping area. Other residential uses exist above other premises and there would be no adverse impact on the character of the area.

CHARACTER AND APPEARANCE

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

RET DM1(2) sets out its support for retail provision (A1) within primary and secondary shopping frontages. The shop at ground floor level is located in a primary retail frontage, no alterations are proposed to this unit. As the vitality, character and amenities of the retail area will be protected, the proposal accords with Policy RET DM1.

Although the Arun Design Guide (ADG) does not specifically refer to the subdivision of existing residential units, Part N does relate to the conversion of buildings. It recommends that conversions retain the existing character of the building and its setting.

The property has two street frontages, the High Street where the shop front is located, and Sparks Court, a service road to the rear, where there is an existing service area for the shop/bin storage and access to the side entrance for the first floor residential accommodation.

The character of the area is that of a mixed-use town centre. The High Street consists of lock up shops to the ground floor, with office and residential accommodation to upper floors. The area has a high density and good transport connections. Most buildings in the immediate area are 2-3 storeys.

This proposal will have little effect on the external appearance of the building. One new window is proposed to the northern elevation serving a new bedroom to the first floor. Despite being located to the primary elevation of the building, the window is set back from the High Street frontage by 6.5m. Its size, scale and design (sash) match the host dwelling and will not harm the character of the area. To the side and rear 3 bike storage cages are proposed and new fencing to enclose the bin storage area. Both of these features are appropriately scaled and will not negatively impact the character of the area.

In terms of character and appearance, the minimal alterations to the exterior of the building do not harm the appearance of the site nor the character of the area. The proposal accords with policy D DM1 of the ALP and Part N of the ADG.

RESIDENTIAL AMENITY

Policy D DM4 and QE SP1 of the ALP set out criteria for which applications relating to alterations of existing buildings and proposed new development, must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality and enhance the quality of its environment.

There will be an impact arising from increasing the density of residential accommodation on the site. Given the existing high density of residential accommodation in the area, this is not out of character and will not be significantly harmful. One new window is proposed to the front (northern) elevation. This overlooks the main pedestrian High Street, as such there are no concerns in terms of privacy.

In terms of residential amenity for existing neighbours and future occupiers, the proposed development accords with the criteria set out in ALP policies D DM4 and D DM1.

QUALITY OF ACCOMODATION

Comments relating to the size of accommodation provided have been received. On the first floor the southern flat will be a 1-bed, 1-person dwelling and will have a proposed gross internal area (GIA) of 37sqm. The northern flat will be a 1-bed, 2-person dwelling with a GIA of 50sqm. The second-floor flat will be 1-bed, 2-person and will have a GIA of 61.5sqm. Respectively, the Nationally Described Space Standards require a minimum GIA of 37sqm and 50sqm for each of the other two flats. Although it is acknowledged that the 1-bed, 1-person flat only just meets minimum standards, it is acceptable.

In this respect, the proposal accords with D DM2 of the ALP.

Part H of the ADG states that all residential development should be afforded private/communal amenity space. None is proposed, this is due to the existing dwelling not benefiting from any external garden space. Although this is not ideal it does not warrant refusal of the application as the site is well served by multiple open green spaces/parks within a 200-500m radius. The proposed smaller 1-bed units are also more suited to this site without private access to external garden space, over that of the existing 4-bed dwelling, which could be expected to be used as family accommodation, where the need for a garden would be greater.

Given that the character of residential units in this location is one of higher densities, the proposal is not considered to make the current situation for the existing and proposed residential units materially worse. Despite not providing for access to on-site amenity space given the existing site constraints and therefore not according with Part H of the ADG, no harm will arise from this situation.

PARKING

Policy T SP1 ensures development of the transport network so that it reduces the need for car travel, promotes green infrastructure, protects the major road network, maintains appropriate levels of parking standards and requires applications to consider and design for development in relation to transport infrastructure.

The Arun Parking Standards advise that in this location the likely parking demand for the flats is 1 space per unit, given a total of 3 required spaces on site. There is no parking provision currently with the existing dwelling nor the opportunity to include any given the requirement for servicing of the retail unit below. The existing 4-bed unit would have been expected to accommodate 2 spaces in its own right. However, this is a highly sustainable town centre site such that residents can access shops, services and public transport hubs without the need to use a car.

As a town centre location, on street parking is limited and strictly controlled. This will help to enforce a car free development.

The Parking Standards document cites that in instances where the character is of limited parking provision, this is a significant planning consideration when determining levels of off street parking. This is accepted subject to the scale of the development and the availability of alternative means of transport. The proposal is in a highly sustainable location and will provide 3 cycle storage cages, one for each unit is acceptable and accords with the Arun Parking Standards and Policy T SP1 of the ALP.

SUMMARY

The proposal accords with the relevant Development Plan policies, Neighbourhood Plan policies and NPPF. As such it is recommended for approval with the following conditions and informatives.

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 and Block Plan 23004-101
- Proposed Site Plan 23004-102 Rev A
- Proposed First and Second Floor Plans 23004-401
- Proposed West Elevation 23004-502
- Proposed North and South Elevations 23004-501

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 part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans (Proposed Site Plan 23004-102 Rev A). The secure cycle parking facilities shall be retained in good working order at all times.

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

- 4 Neither flat 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 dwellings 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 national planning policy and policy ECC SP2 of the Arun Local Plan.

- 5 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

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

- 6 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.

BACKGROUND PAPERS

[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.](https://www.arun.gov.uk/weekly-lists)

LU/49/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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