

PLANNING APPLICATION REPORT

REF NO: LU/352/19/PL

LOCATION: 56-57 Pier Road
Littlehampton
BN17 5LP

PROPOSAL: Extensions, alterations & new fire escape staircase to enable change of use from 1no.restaurant into 2no. restaurants (A3 - Restaurants & Cafes) & conversion of 1no. 5 bed flat into 2no. 3 bed flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is for 'extensions, alterations & new fire escape staircase to enable change of use from 1no.restaurant into 2no. restaurants (A3 - Restaurants & Cafes) & conversion of 1no. 5 bed flat into 2no. 3 bed flats'.</p> <p>It is proposed to extend the rear of No 56 to bring it level with 57 and to extend both roofs with a rear flat roofed dormer. This will necessitate the demolition of the existing conservatory. The extension to No 56 represents an increase in area of 26.8 sqm on two floors, with an extension of some 33 sqm to each property at second floor level.</p> <p>The Upper Ground Floor level has been reduced by 600mm so that disabled access from the pavement is possible. It is proposed to demolish the existing garage at the rear of No. 57 to provide each plot with 2 parking spaces.</p>
SITE AREA	288 sqm
BOUNDARY TREATMENT	Premises are located on back edge of footpath. Rear courtyard area enclosed by 2m high fencing.
SITE CHARACTERISTICS	56-57 Pier Road comprises the River Breeze restaurant at Upper Ground Floor Level with toilets and storage on the Lower Ground Floor. The two floors above comprise a 5 bedroomed maisonette. A two storey flat roofed extension has been added to the rear of No 57, with a tandem flat roofed double garage. The highest storey has been formed by the conversion of the loft space with the installation of dormers.
CHARACTER OF LOCALITY	The area is part of a residential/retail/commercial street comprising a uniform character with older style terraced properties of similar height in small plots abutting the highway with gardens/service areas to the rear within an urban environment. The ground floor uses comprise a parade of retail/restaurant uses.

RELEVANT SITE HISTORY

LU/414/17/PL	Change of use of basement storage area and ground floor restaurant (A3 Food & Drink) to 2 retail units (A1 Shops), demolition of existing garage, conversion of residential space at ground, first and second floor to provide 6 No. one bedroom flats (five additional units) to include first & second floor extensions & stair tower (resubmission following LU/71/17/PL & LU/243/17/PL).	ApproveConditionally 30-04-18
LU/243/17/PL	Conversion & minor extension of existing restaurant & five bedroom flat to create a shop unit & 6 No. residential units (resubmission following LU/71/17/PL).	Refused 11-10-17 Appeal: Dismissed 12-06-18

Application LU/243/17/PL for conversion & minor extension of existing restaurant & five bedroom flat to create a shop unit & 6 No. residential units was refused on flood risk grounds. This application altered the 2 bed flats to one bed units, added juliet balconies to the rear 3rd floor and increased the size of the shop units at lower ground floor. The refusal was upheld on appeal.

The most recent application LU/414/17/PL was granted permission. This proposal was for 2 shops on the upper and lower ground floor and to convert some of the storage area in the lower ground floor to shop units, the accommodation above comprising a 4 bedroom dwelling was to be converted and the premises were to be extended to create 6 no 1 bedroom flats. Dormers would have been added to the front roof slope, a stair tower of 3m by 2.5m to the rear along with a rear extension 2.8m in depth at ground and first floor and 7m at second floor.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Town Council - Object to the proposal. Considered the plans for the Pier Road frontage would see the floor level raised by 50cm lacked clarity which is important to allow accessibility for those with impaired mobility. The proposal does not comply with Arun's Local Plan strategic objectives for design (Section 13) and the emerging Design Guide which seeks to promote development in providing "opportunities for ease of movement for pedestrians" and buildings that are of a "good design which will contribute positively to making places better for people".

No Letters of representation have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points above are noted and addressed in the conclusion section of the report

CONSULTATIONS

Environmental Health
 Economic Regeneration
 Engineering Services Manager
 Engineers (Drainage)
 Environment Agency
 WSCC Strategic Planning
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection subject to the imposition of a condition to prevent flooding of premises should permission be granted.

Environmental Health - No objection subject to the imposition of conditions.

WSCC Highways - No objection subject to a condition.

Economic Development Officer - No objection. The application is to convert one large unit into two smaller and make other alterations to provide residential accommodation. On the basis that restaurant and / or commercial use remains at ground floor level, Economic Development has no objection to this application.

Engineers - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Flood Zone 3a

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
RETDM1	RET DM1 Retail development
WDM2	W DM2 Flood Risk
TSP1	T SP1 Transport and Development
RETSP1	RET SP1 Hierachy of Town Centres
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Littlehampton Neighbourhood Development Plans 2012.

The relevant policies of the Littlehampton Neighbourhood Plan have been taken into account.

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.

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 proposal is for 'extensions, alterations & new fire escape staircase to enable change of use from 1no. restaurant into 2no. restaurants (A3 - Restaurants & Cafes) & conversion of 1no. 5 bed flat into 2no. 3 bed flats'. The proposed conversion of 1no. 5 bed flat into 2no. 3 bed flats' (following the extension) is considered to be acceptable in principle given the siting of the existing dwelling within the built-up area boundary, however this is subject to compliance with relevant development plan policies.

In terms of the conversion of the flats the key policies are D DM1, D DM2 & D DM4 of the Arun District Local Plan, policies 1 and 2 of the Littlehampton Neighbourhood Plan and the National Planning policy Framework.

RETAIL POLICIES

Policy RET SP1 of the Arun Local Plan supports development within Littlehampton that forms the major focus for residential development throughout the plan period. Policy RET SP1 accords with paragraph 8 of the NPPF in achieving the environmental role of sustainable development by guiding housing to sustainable built up locations. Paragraph 68(c) of the NPPF requires planning authorities to support the development of windfall sites through their policies and decisions - giving great weight to the benefits of

using suitable sites within existing settlements for homes.

Paragraph 85 of the NPPF makes clear that planning policies and decisions should support the role that town centres play at the heart of local communities.

The site lies in an urban area where the principle of development is considered acceptable. The ground floor is also in a restaurant use and, whilst there is subdivision, there is no change of use.

On the basis of the above, the change of use from 1no.restaurant into 2no. restaurants (A3 - Restaurants & Cafes) would be permitted under Policy RET DM1 of the Arun Local Plan and paragraph 85 of the NPPF, in principle.

VISUAL AMENITY & CHARACTER OF THE AREA

Arun Local Plan policies reiterate Section 12 of the NPPF in that policy D SP1 of the Arun Local Plan requires all development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 sets out a 15 point criteria against which development is assessed. Further, Policy D DM4 of the Arun Local Plan requires accordance with 5 point criteria when assessing applications for extensions and alterations to existing buildings. Paragraph 127 and 131 of the NPPF are relevant.

No. 56 and 57 would be extended to a similar extent as in the 2017 application but with the stair tower replaced with two separate external staircases to the living accommodation without passing through the restaurants. The restaurant frontage is to be basically unchanged other than signage. As per the 2017 permission two pitched roof dormers are proposed for the front elevation, clad with plain tiles to match existing, with balustrading in stainless steel. It is proposed to replace the somewhat disjointed mixture of face brickwork, render and cladding to the rear elevation with smooth render. Therefore, the extension would be subservient to the host building and would sympathetically relate to/integrate with the host building. The extension being to the rear of the property also means that it will not be visible in the streetscene and is not therefore considered to compromise the spatial character of the area.

The extension itself would not be harmful to the character or appearance of the area and as such is not considered to conflict with the relevant parts of policies D SP1, D DM1 and D DM4 of the Arun Local Plan and paragraphs 127 and 131 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan requires development to have minimal impact to users and occupiers of nearby property and land. Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Policy D DM4(b) and (c) of the Arun Local Plan requires that extensions and alterations to existing buildings to provide a high standard of amenity that does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy D DM4(d) states that in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition. Further, Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

It is proposed to extend the rear of No 56 to bring it level with 57 and to extend both roofs with a rear flat roofed dormer. This will necessitate the demolition of the existing conservatory. The extension to No 56 represents an increase in area of 26.8 sqm on two floors, with an extension of 33 sqm to each property

at second floor level.

In respect of sunlight/ daylight, an amended plan was received with a 45 degree line taken from the mid point of nearest habitable room of No. 55 to the North. From a recent site visit it was established that the ground and first floor of No. 55 consists of a kitchen and bedroom respectively. No. 55 also has a rear facing dormer window at 2nd floor which consists of an additional bedroom. Although, as can be seen from the amended plan, the 45 degree line is broken by the proposed rear extension at ground and 1st floor level it is not felt the proposal is significantly different to what was approved in a previous application (LU/414/17/PL).

The extensions would be set down below the roof line and would not project significantly to the rear. The stair tower from the previous proposal has been removed and there would be a gap of approx. 12m from the rear elevation to the rear boundary. The rear of buildings in this section of Pier Road comprise extensions/flues/outbuildings and the style and design of the extensions proposed would not be out of keeping with the visual amenities of the locality.

The impact on the residential amenities of neighbouring properties would be acceptable given the limited rearward projection of the extensions. The rearward existing extension at first floor level already projects beyond the existing dormer serving no 55 and the impact would not be materially worsened. No 59 has also been extended to the rear and is not considered to be materially impacted by the extension by reason of adverse overbearing impacts. No. 59 is also to the south of the proposed extension. There are no windows proposed in the side elevations of the extensions.

The proposal would comply with the gross internal floor areas set out in the Nationally described space standards for 6 person 3 bedroom flats which is 102 sqm. Unit 1 would be 128 sqm. Unit 2 would be 119 sqm. The 2 units would have access to the communal rear amenity area. It is considered that the proposed development would be acceptable given its seafront location and the close proximity of open space, the beach and riverside walkway.

The use of the building is the same as the existing and should not significantly increase noise to neighbouring properties.

PARKING PROVISION

Policy T SP1 of the Arun Local Plan is compliant with paragraphs 103 and 109 of the NPPF and requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport and give priority to pedestrian and cycle movements and have access to high quality public transport facilities. Policy T DM1 of the Arun Local Plan requires that all new development be located within easy access of established public transport service(s) and existing and pedestrian cycle networks.

The proposed development would provide two parking spaces for each unit in accordance with Arun's Parking Standards SPD. The development would accord with Policy T SP1 and T DM1 of the Arun Local Plan and paragraphs 103 and 109 of the National Planning Policy Framework.

FLOODING

The site is located in an area at high risk of flooding. The application is accompanied by a Flood Risk Assessment (FRA) which the Environment Agency have advised is adequate. The proposals comply with the National Planning Policy Framework (NPPF) and policy WDM2 of Arun Local Plan.

ACCESSIBILITY

Section 13 (Design) of the Arun Local Plan seeks to promote development providing "opportunities for ease of movement for pedestrians" and buildings that are of a "good design which will contribute positively to making places better for people. Level access will be maintained from pavement level to

both restaurants as the upper ground floor level has been reduced approx. 500mm. The new WCs to be installed at lower ground floor level to No 57 will be accessed by a staircase suitable for ambulant disabled persons which is an improvement on the existing. The external staircases will provide alternative access to the living accommodation and emergency egress.

The proposed changes to the building would not be made worse or less compliant with the current Building Regulations than the existing and is therefore acceptable. Not providing fully accessible disabled toilets is not considered a strong enough reason to refuse this application.

SUMMARY

This application has been assessed having regard to the principle of development, design, residential amenity, parking, flooding and accessibility. The assessment has found that the proposed change of use and extensions would not result in a significant detrimental affect on the amenity of neighbours nor would the development result in an unacceptable level of overlooking into the rear private amenity of neighbouring dwellings.

The two proposed three bed apartment would provide acceptable living standards for future occupiers and satisfy space standards at a time where the District's existing housing stock is under pressure; owing to the Council's current 5 year Housing Land Supply position.

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:

Amended Plans (14/02/2020) 19/84/1

Block Plan 4 Drg. No. 19/84/4

Proposed Floor Plans 19/64/1

Proposed Elevations 2, Part superseded for elevations NOT floor plans Drg: 19/64/1

Location Plan 19/64/4

Existing and Proposed Streetscene Dwg: 19/64/3

Amended Existing Floor Plans 19/38/4

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 materials and finishes of the external walls and roofs of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 4 No construction / demolition 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 noisy work on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

- 5 Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) and/or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise and vibration generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve: NR35 as defined within Table B.1: Noise Rating Values of BS 8233:2014. The equipment installed and commissioned shall be maintained in a condition and operated in compliance to the approved scheme whenever it is operation so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

- 6 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 56-57 Pier Road- Flood Risk Assessment (July 2019) Scott White and Hookins) and the following mitigation measures it details:

- Sleeping accommodation is located on the first and second floors
- Finished floor levels are set no lower than 3.8 meters above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above

shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk to the proposed development and future occupants.

- 7 The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed by a competent engineer before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

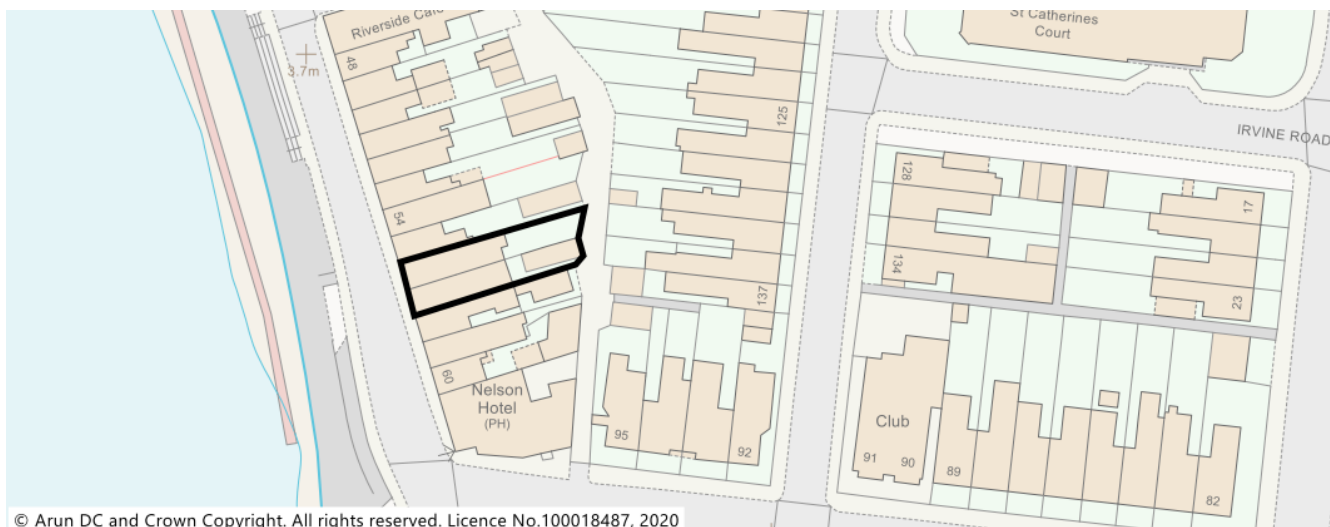
Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

- 8 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.
- 9 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.

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/352/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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