

PLANNING APPLICATION REPORT

REF NO: LU/327/20/PL

LOCATION: 38 Arundel Road
Littlehampton
BN17 7DB

PROPOSAL: Application under Regulation 3 of the Town and Country Planning (General Regulations) 2015 for the change of use of single dwellinghouse to 2 No. residential apartments & associated external alterations. This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of a house into two x two bedroomed flats with no external alterations except for the like for like floor area replacement of a rear extension. The applicant is Arun District Council.
SITE AREA	233 sq.m.
SITE CHARACTERISTICS	A two storey end of terrace house.
CHARACTER OF LOCALITY	A predominantly residential area.

REPRESENTATIONS

Littlehampton Town Council - No objection. They noted that the parking provision needed consideration as per the comments made by County Highways.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Highways - No objection subject to condition regarding cycle parking.

Arun District Council Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

The conditions requested by Environmental Health are not acceptable as they are matters either controlled by other legislation or unreasonable.

A construction hours condition will be imposed to prevent working hours at unsociable hours/days.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TDM1	T DM1 Sustainable Travel and Public Rights of Way
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

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 and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies 1 and 2 of Littlehampton Neighbourhood Plan are considered relevant to 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 considered to comply with relevant Development Plan policies in that the design is considered acceptable and the proposal will have no adverse impact on the residential amenity of neighbouring properties. It would however conflict with Arun Local Plan policy T SP1 in that there is no off street parking provision made.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan in that this is a town centre location with on street parking restrictions. This means that there will be no unacceptable impact on the safety of the local highway network.

Furthermore given the availability of nearby forms of alternative transport will attract occupiers who do not have use of the motor car.

CONCLUSIONS

The key policies are D SP1 and D DM1 of the Arun Local Plan and Policies 1 and 2 of the Littlehampton Neighbourhood Development Plan.

Policy D SP1 of the Arun Local Plan - Design states that all development proposals should seek 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 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings 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.

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.

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

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary.

The development is located within the built up area boundary and the application accords with relevant policies of the Neighbourhood Plan in accordance with policies 1 and 2 of the Littlehampton Neighbourhood Plan

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 13 factors that development must comply with - these include character, impact and public realm.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

The application site is located close to Littlehampton Town Centre where a number of other properties have been converted into flats . There is no alteration to the external appearance of the dwellinghouse with the exception of a rebuilding of rear additions to the dwellinghouse. This demonstrates accordance with section 'J' of the Arun Design Guide, in that the proposal is considered to be appropriate to the form

and character of the area by way of its appropriate scale and massing.

It is necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The proposed development is considered to be in keeping with the mixed character of the locality, and is not considered to unacceptably harm the character of the locality. The proposal is considered to be in accordance with D DM1, D DM4 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

The proposed development is not considered to result in an unacceptable overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the fact that there is no alteration to the property externally nor adjacent to any boundaries with neighbouring properties.

The proposal is considered to be in accordance with D DM1(3) and QE SP1 of the Arun Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS

Policy D DM2 of the ALP states that: "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 therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling is suitable for residential use.

The proposal has a floor area and an internal layout depicting;

- 1) single storey, 2 bedroom for 4 person occupation. 84.3 sq.m.
- 2) single storey, 2 bedroomed for 3 person occupation 65 sq.m.

The required space standard is 70sq.m. and 61 sq.m. respectively. Therefore, the dwellings accord with the standards.

The external amenity space is 7 metres of back garden, side and front gardens which is considered acceptable given that there is also access to nearby coastline and local parks.

TRANSPORT, PARKING AND HIGHWAY SAFETY

As there are restriction on the Arundel Road that prevent car parking there should be no adverse safety impact on the highway. The site is in a highly sustainable location, with local amenities within a reasonable waking distance, close to public transport connections and a large public car park nearby.

The Arun District Council Parking Standards states there is a parking demand of two spaces for the proposed development. In light of the fact that the proposal is in a sustainable location, as described above, it is considered that it would be reasonable to accept a nil parking provision for this development.

County Highways consider that the proposal is in accordance with Paragraph 109 of the NPPF in that

there would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is considered that whilst the proposal does not meet the criteria in Arun District Council's Parking Standards and is therefore in conflict with policy T SP1, there are material considerations as set out above which make the proposal acceptable on highway grounds.

SUMMARY

The proposed development is considered to be in accordance with the relevant Development Plan policies, and for the reasons outlined above. As such, the proposal is considered to be acceptable and approval is recommended subject to the following conditions

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

Proposed Floor Plans dwg.no. 100/02 Rev A dated Nov 20

Proposed Elevations and Sections dwg.no. 1002/05 dated Nov 20

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 plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including policy T DM1 of the Arun Local Plan..

- 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 on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with policy D DM1 of the Arun Local Plan

- 5 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.

- 6 INFORMATIVE: The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development is being demolished and/or renovated, the Council need to be satisfied that any ACM's previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. Within any owner-occupied domestic properties, the owner(s) are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

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/327/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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