

PLANNING APPLICATION REPORT

REF NO: LU/295/20/PL

LOCATION: 15 Beach Road  
Littlehampton  
BN17 5HZ

PROPOSAL: Full planning application incorporating permitted change of use of part of existing office (A2 Professional & Financial Services) & use to form 2 No. dwellings (C3 Dwelling houses) on the two upper floors (resubmission following LU/107/20/PL). This site is in CIL Zone 4 (Zero Rated) as flats.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The proposal is for a change of use of the first and second floors from (B1 Business) to 2 No. flats (C3 Dwelling houses).</p> <p>The current office use extends to all three floors. It is proposed to reduce this use to the ground floor only and alter the upper two floors to form 1No.two bedroom flat and 1No.one bedroom flat.</p> <p>A small flat roofed extension to the Ground Floor office will be formed within the rear yard 2.5m wide by 3.25m deep with a height of 2.2m and the shopfront elevation will be amended slightly to incorporate an additional door.</p> <p>Changes to windows and doors will affect only the rear and side elevation. 2 high level windows are being added at ground floor in the side elevation and one window at first floor. The overall appearance of the building is largely unaltered.</p> <p>The first floor flat will have an external terraced amenity area which is enclosed by 1.1m high balustrading. External staircases are being removed.</p> <p>Pedestrian access to the flats will be via a new door in Beach Road, the office access will remain as existing. Refuse storage will utilise the arrangements already in place. There will be separate office and flat bin areas at the rear.</p>
SITE AREA	154 sq m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	13 dwellings per hectare
SITE CHARACTERISTICS	Solicitors offices occupy all floors.
	End of terrace 3 storey property. Brick elevations to front and paint rendered to side adjacent to car park entrance.

CHARACTER OF LOCALITY

Part of town centre location in Beach Road comprising a row of three storey properties.

Retail/office uses predominate at ground floor level with residential above.

**RELEVANT SITE HISTORY**

LU/150/17/PD	Notification for Prior Approval for a Proposed Change of Use of a building from Class B1 (a) to 2 No. flats (C3 Dwellinghouse) on upper two floors.	Objection 26-06-17
LU/126/01/	Rear first floor extension and minor internal alterations.	Refused 06-08-01  <b>Appeal: Dismissed</b> <b>25-06-02</b>

Previous application, reference LU/150/17/PD was objected to for the following reason:

'Part 3, Class 0.2 (c) and (d) and of the Town and Country Planning Development) Order 1995 as amended can require an application for prior approval where the developer has provided insufficient information to enable the authority to establish whether there are (c) flooding risks on site and whether there are (d) impacts of noise from commercial premises on the intended occupiers of the development.'

As these two issues (flooding risks and noise impact) have been overcome by this application the proposed use of the building would be Permitted Development (PD) and if the application was re-submitted it would meet the criteria and be approved. Therefore, the only matters which would not be included in any PD application would be the physical alterations to the building as proposed by this application. This is discussed further in the conclusions section.

**REPRESENTATIONS**

Littlehampton Town Council - Objection.

An internal stairway is being introduced, but bin storage is limited and there is no cycle storage. Given the Town Centre location, better storage provision to avoid the stairway being used and potentially causing a hazard, should be considered.

One Objection:

- If conversion works commence then in all probability several staff would be made redundant as there are no suitable alternative premises available within the Town Centre.
- The office and retail sector of the Town Centre is already in substantial decline with numerous shops and other units having to close.
- Arun's Local Plan already has a strategic objective for employment and enterprise within the District. Closure of such a well-established firm will not be in keeping with the Council's objective to drive employment and business growth by protecting land in business use. This planning application runs counter to the Council's long term objective for regeneration of the town centre.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The agent has submitted a revised plan to show 2 lockable cycle shelters and repositioned bin areas for the 2 flats to address the town council concerns.

The need for a well established business to relocate is noted, but this change of use could be carried as permitted development and as this is a town centre location residential uses have an important supporting role.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No Objection. Satisfied with noise report submitted. Noise conditions suggested, but not imposed since these would be covered by Building Regulations. Working hours condition considered reasonable to impose.

Environment Agency - No Objection. Condition requested.

Economic Development - Objection.

- Whilst providing much needed accommodation, this development may displace a long established business from its town centre premises.

- It is acknowledged that the ground floor would still be office use, and we would wish to see that remain and be assured that the business is able to be accommodated in the new lesser space. If that were not the case and they needed to relocate, we would be concerned at this leaving a vacant ground floor unit at a time when town centres are struggling to maintain their viability.

Private Sector Housing - No Objection.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Requested conditions have been imposed.

**POLICY CONTEXT**

Designation applicable to site:

Within the Built Up Area Boundary;  
 Within Town Centre Boundary  
 Secondary Retail Frontage  
 Economic Growth Area

**DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
RETSP1	RET SP1 Hierachy of Town Centres
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

TSP1 T SP1 Transport and Development

WDM2 W DM2 Flood Risk

[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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The relevant policies in the Littlehampton Neighbourhood 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 considered to comply with relevant Development Plan policies in that there would be no adverse impact on residential or visual amenity or the character of the area. The residential use will add vitality and would not conflict with the regeneration of Littlehampton. The proposal does conflict with policy T SP1 in that there is no provision for off street car parking. However, as the proposed use of the building would be permitted development, it is not possible to seek compliance with this policy.

Section 70(2) of Town and Country Planning Act 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,
  - (aa) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

**CONCLUSIONS**

## PLANNING BACKGROUND

The proposal follows an earlier refused PD application, but the concerns of the Environment Agency and Environmental Health have now been satisfactorily addressed by this application. The proposed change of use from office to residential is therefore permitted development and the only issues which Members are able to determine are the small extension at ground floor and the alterations to openings including the addition of a door to the front elevation.

## PRINCIPLE

The site lies within the built up area boundary within a sustainable town centre location where development is acceptable in principle, provided it is in accordance with other policies of the Local Plan covering such issues as loss of commercial floorspace, residential amenity, highway safety & parking. The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

## VISUAL AMENITY AND CHARACTER

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted. Arun Design Guide suggests extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form. This is best achieved through simple and unobtrusive design.

Policy D DM4 relating to extensions and alterations to existing buildings requires that extensions/alterations sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials.

The extension to the rear which forms part of the proposal is single storey and would not be readily visible. The materials are proposed to match existing and are conditioned to ensure they assimilate into the existing property. The alterations to openings and provision of a new door in the shopfront would not significantly alter the appearance of the building. The additional opening to the front elevation would balance the appearance of the shopfront. The proposal therefore accords with policies D DM1, D SP1 and D DM4.

## RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates development will be permitted if it positively takes into account impact on adjoining occupiers, land, use or property. Planning policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Furthermore, policy QE SP1 requires that all development contributes positively to the quality of the environment and that it does not have a significantly negative impact upon residential amenity and recreational activities enjoyed by residents. It is not considered that there will be any harm associated with the proposed residential use.

The proposed windows would not overlook other residential windows and thereby not impact privacy and

amenity of other residential units. The only element of the proposal which could cause overlooking and loss of privacy is the outside amenity area which could overlook the rear of other properties to the north. This has been addressed by providing screening in this area which is to be conditioned to be obscured to 1.7m in height.

The proposal complies with Arun Local Plan policies D DM1 and QE SP1.

#### INTERNAL & EXTERNAL SPACE STANDARDS

The requirement for a 2 bed flat for 4 people is 70 sqm. The proposed 2 bed flat measures 72.72sqm, The one bed measures 70.77sq m and complies with the 50sqm space standard for a 2 person 1 bed flat. There is therefore, no objection in respect of policy D DM2.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector.

A small private terrace area is provided for the first floor flat. There is no external space for the unit at second floor, but the site is within walking distance of areas of public open space and the sea front. Furthermore, as the use is permitted development, the Council could not require specific compliance with external amenity space standards.

#### HIGHWAYS & PARKING

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network, contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it supports development which incorporates appropriate levels of parking in line with the Arun Design Guide taking into consideration the impact of development upon on-street parking.

Arun Parking Standards advise that in this location the likely parking demand for the new flat would be 1 space per flat. The proposal does not provide any off-street parking. As the proposed use is permitted development, the Council is unable to seek provision of dedicated off-street car parking. Further, the existing offices employees use does not have dedicated car parking, uses adjacent car parks, and on street parking nearby which would also be available for the new residential use.

Therefore, it is considered that whilst the proposal comply with TSP1(d) of Arun Local Plan.

#### FLOOD RISK

The site lies in an area at high risk of flooding within Flood Zone 3. Policy WDM 2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where defined criteria are satisfied. The proposal includes a site specific Flood Risk Assessment (FRA).

Residential escape in case of local flooding will be refuge on the upper floor level and awaiting tidal retreat or rescue. Ground Floor retail/office use escape would be as current office use. The proposal represents conversion and any new drainage would accord with Building Regs.

The Environment Agency have no objection to the proposal on the basis that the mitigation within the FRA is adhered to and the application can be conditioned accordingly.

Given the application is for a change of use from commercial to residential a sequential test is not required. Therefore the proposal would accord with policy W DM2 of Arun Local Plan.

## LOSS OF COMMERCIAL

Arun Local Plan policy EMP DM1 ("Employment Land: Development Management") part 2 seeks to protect existing employment sites and premises where there remains a reasonable prospect of employment use, excepting Permitted Development Rights. It requires for it to be demonstrated that the site is no longer required and is unlikely to be re-used.

It needs to be noted that the proposed change of use would fall within the permitted development use schedule 2, Part 3, Class O 'Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule' of the Town and Country Planning (General Permitted Development) (England) Order 2015.

As the premises were in use as solicitors offices on 29th May 2013 the proposal would therefore fall within the exception criteria and would accord with part 2 of policy EMP DM1.

Furthermore, it is acknowledged that other buildings in the locality already have residential uses above and that such uses would not be out of character. It is therefore not considered that there is any harm arising to the vitality of the town centre location and it is not considered that refusal on the basis of EMP SP2 would be sustainable on these grounds.

The principle of additional accommodation will result in increased footfall in and around the town centre which will assist sales from local shops.

## RETAIL CONSIDERATIONS

The site lies within the town centre in a secondary shopping frontage. Arun Local Plan policy RET DM1 states that proposals for the re-use of vacant floorspace on the upper levels for residential, commercial and community purposes will be permitted subject to certain criteria .

The proposal retains a ground floor office use and an appropriate shopfront in accordance with this policy.

## NOISE DISTURBANCE

A detailed acoustic assessment of the adjoining restaurant extract system has been carried out and is included in the submission. Environmental Health have advised that the methodology, calculations, findings and recommendations are reliable.

The proposed layout of the 2 self-contained flats is arranged such that bedrooms are vertically adjacent to living rooms and Kitchens it is therefore recommended that uprated acoustic measures are required in the floors/ceiling between residential units to mitigate against noise transfer. As the ground floor use is to remain commercial, it is also appropriate to install uprated acoustic insulation to protect the residential usage from noise transfer.

Insulation between the different floors would be addressed via the submission of a building control application when measures for sound insulation would be expected and need to be found acceptable.

The proposal would therefore accord with policy QE SP1 of Arun Local Plan which requires that all development contributes positively to the quality of the environment.

## SUMMARY

This is an acceptable residential conversion scheme given it is located within a highly sustainable town centre location and will bring above ground floor office use into line with other residential uses within the area. The use would be permitted development and the proposed external changes and extension are of a minor nature and acceptable.

The application is therefore recommended for approval 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.

**CIL DETAILS**

This site is in CIL Zone 4 (Zero Rated) as flats.

**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 08066/TP01



Second Floor Plan and Roof Plan 080616/TP02.Rev D  
Proposed Alterations Ground and First Floor Plan received 27/01/2021  
Proposed Elevations 080616/TP03/rev C  
Existing and Proposed Front Elevation 080616/TP.04 rev A  
Existing Elevations 080616/SY.02

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 development shall be carried out in accordance with the submitted plans (ref: Flood Risk Analysis of Site Specific Product 4 Information- 15 Beach Road, Littlehampton, Sussex, BN17 5HZ- Prepared by Graham Nicholls Limited- January 2021) and the following mitigation measures it details:

- Sleeping accommodation is to be located on the First Floor and above. 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: To reduce the risk of flooding to the proposed development and future occupants to comply with policy W DM 2 of Arun Local Plan.

- 4 The first floor amenity area shall not be used until precise details of obscured boundary screening to the northern boundary to 1.7m above floor level have been submitted to and approved by the Local Planning Authority and the details so approved shall be retained in perpetuity.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 5 The materials and finishes of the external walls of the extension 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.

- 6 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 QE SP1 of the Arun Local Plan .

- 7 **INFORMATIVE:** The use of flood resistance and resilience measures. is recommended. 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 documents may also be useful:

Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf> Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>.

The planning practice guidance (PPG) to the National Planning Policy Framework states that,

in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

The applicant/occupants should 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.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

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>.

- 8      **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/295/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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