

Recommendation Report for Planning Permission

REF NO: LU/13/21/PL

LOCATION: 125 Bayford Road
Littlehampton
BN17 5HW

PROPOSAL: Change of use of existing single dwellinghouse (C3) to an 8-bedroom House in Multiple Occupation (Sui Generis).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A conversion of a single dwelling house to an 8 bed House in Multiple Occupation with no external alterations.
SITE CHARACTERISTICS	A mid terraced Victorian house.
CHARACTER OF LOCALITY	A predominantly residential area consisting of a mixture of house types and flats.

REPRESENTATIONS

Littlehampton Town Council objected to the application on the following grounds;

- Proliferation of HMO's in the area destroying the character of the area.
- Adverse impact on residential amenity of neighbouring properties.

18 letters of objection on the following grounds;

- Too many HMO's in the area.
- Transport problems from too many cars.
- Would create additional anti social behaviour.
- Insufficient bin storage space.
- Lack of doctors/medical provision.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and relevant issues raised addressed in the Conclusions section of the report.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

West Sussex County Council Highways - No objection.

The WSCC Parking Guidance (Updated Sept 2020) expects that a provision of 0.5 spaces per bedroom would be required for HMO use. This would result in an expected provision of 4 parking spaces for the proposal.

As there are comprehensive parking restrictions in the immediate vicinity, highway safety will not be detrimentally affected from the underprovision of on site parking.

Arun District Council Private Sector Housing - No objections subject to informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HSP4	H SP4 Houses in multiple occupation
TSP1	T SP1 Transport and Development
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
EMPSP2	EMP SP2 Economic Growth Areas

[Littlehampton Neighbourhood Plan 2014 Policy 17](#) Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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.

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 will be no

unacceptable impact on the character and appearance of the area or the residential amenities of neighbouring occupiers. There is however conflict with transport policy requiring compliance with parking standards.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. Namely that the site is in a highly sustainable location where dependence on the use of the car is not so significant as there are other accessible modes of travel.

CONCLUSIONS

The key policies in assessment of this application are D DM1, D SP1 and H SP4.

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 H SP4 sets out criteria for which applications relating to Houses in Multiple Occupation are to be assessed and includes that a proposed HMO should not adversely affect the character of the area and its parking demands. It should also provide adequate areas of open space for future occupiers.

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.

The site is part of the Littlehampton Economic Growth area where Policy EMP SP2 seeks to support development that supports the areas retail, leisure and tourism function.

Policy 17 of the Littlehampton Neighbourhood Development Plan is also relevant and states that the effect of a proposal on the significance of a locally listed building will be taken into account in determining the application.

DESIGN AND RESIDENTIAL AMENITY

As this application only proposes a change of use of the building with no external changes there will be no impact on the design/appearance of the property or on the residential amenity of neighbouring properties by way of overlooking/loss of daylight.

The proposed layout would comprise a communal kitchen/dining and living area at ground floor level where unacceptable overlooking is not an issue. First and second floor levels would contain three bedrooms and a shared W.C, with a further three bedrooms and a bathroom at second floor level. Six rooms would contain an en-suite bathroom with a toilet, sink and shower. The other two rooms would utilise the shared bathrooms. It is therefore the case that there would be no more overlooking than there is a present from the reconfigured upper floors.

HOUSES IN MULTIPLE OCCUPATION (HMO) - ARUN LOCAL PLAN POLICY H SP4

There are 3 criteria that need to be met when considering HMO proposals.

1) It should not adversely affect the character of the area by eroding the balance between different types of housing, including family housing.

According to the Council's Property Register there are currently 7 licensed HMO's along Bayford Road which amounts to 5% of the total number of properties in the road. Against this evidence an additional HMO in Bayford Road would maintain a balanced type of properties there and therefore not adversely affect the character of the area.

2) It should not contribute to the generation of excessive parking demands or traffic in an area.

According to the available guidance (WSCC Parking Guidance as Arun Parking Standards has no guidance on HMO's) the shortfall of parking spaces amounts to 2 car parking spaces with 2 car parking spaces being provided.

Given the highly sustainable location of the site in close proximity to a variety of alternative modes of transport that includes a nearby mainline train station and a host of bus services, the proposal is not expected to generate any excessive additional parking demand or traffic.

3) The property should provide an adequate area of open space.

The property has an 8 metre long back garden which is considered an adequate area of open space supplemented by a nearby coastline and other areas of public open space.

HIGHWAY SAFETY

As described above the site is not expected to generate excessive levels of traffic which together with strict parking controls in the area make the under provision of off street parking, in conflict with policy T SP1 of the Arun Local Plan, acceptable and not a sustainable reason for refusing this application.

ECONOMIC GROWTH AREA

The site falls within the Littlehampton economic growth area where Policy EMP SP2 of the Arun Local Plan applies. This requires that development is encouraged which increases the vitality of Littlehampton town centre.

The conversion of a house to HMO is considered to provide additional accommodation for working age people and thereby increases footfall and economic investment in Littlehampton town centre in line with the aspirations of policy EMP SP2.

LOCALLY IMPORTANT BUILDING

Policy HER DM2 of the Arun Local Plan and Policy 17 of the Littlehampton Neighbourhood Plan apply to buildings designated as being of local character such as that in this application.

The two policies concerned require that development proposals where an alteration of a locally listed building is involved, is done sensitively by respecting its architectural interest.

This is the case in this application owing to the fact that no external alterations to the building are proposed. Therefore, there is no harm caused to the heritage asset.

SUMMARY

The proposal is considered to be acceptable, in line with the policies cited above and is 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.

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. 02 dated Dec 2020

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 plans and details to be submitted to and approved by the Local Planning Authority. That facility agreed shall be permanently retained.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until an electric vehicle charging space has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. That facility agreed shall be permanently retained.

Reason: To provide sustainable travel options in accordance with policy T SP1 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: Fire Safety:

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing" comprising:
 - 30 min fire resisting escape route, which would include providing a 30 minute fire door to all risk rooms, including bedsits, kitchen and storage areas. Fire doors must be fitted with 3 fire rated steel hinges, an overhead self-closing device (minimum Power Size 3), intumescent strips and cold smoke seals. Storage cupboard doors do not require overhead self-closing devices, but instead must be kept locked shut. Appropriate fire safety signage to be displayed on each door, in accordance with it's function.
 - Grade A, LD2 fire alarm and detection system, including a Fire Alarm Control Panel and Manual Break Glass Call Points.
 - Interlinked mains wired smoke alarms located throughout the escape route, including storage cupboards and under-stairs areas.
 - Interlinked smoke alarms in each bedsit.
 - Interlinked heat alarms located in the communal kitchen.
 - Fire blanket to be provided in each shared kitchen.
 - Emergency escape lighting to be installed along the escape route.
 - All final exit doors, including the front door, kitchen rear door, ground floor middle bedroom exit door to be fitted with thumb-turn style devices to enable a quick and safe escape without the need for a key, code or card.
 - Refuse and recycling bins should be located as far from the front door as possible and it is recommended for these to either be relocated to the rear of the property, or securing the bins in place, with chains for example, in order to reduce the risk of arson.
 - It is recommended the applicant considers further options to reduce the risk of arson, which could include an anti-arson letterbox or externally mounted mailboxes.

Room Sizes:

- Room sizes should meet the minimum standards for houses in multiple occupation.
- The floor to ceiling height must be at least 2.1 metres from floor to ceiling over at least 50% of the floor area when measured at a height of 1.5metres from the floor and provide sufficient useable space.

- Note with regards to room sizes:

6.51sqm - suitable for 1 person*

10.2sqm - suitable for 2 persons*

*This minimum size does not include the size of any en-suite facility, which must be in addition to these dimensions.

- Note with regards to children and how they fit into room size calculations:

Babies up to the age of 1 are discounted

Children aged 1 -10 years are classed as half a person

Children aged over 10 years are classed as a person

Licensing

- Any property that has 5 or more people sharing facilities will require a license from the Council and the property must meet minimum standards.
- If the residents are to be responsible for their own cooking then the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:
 - Sinks with draining boards.
 - An adequate supply of cold and constant hot water to each sink supplied.
 - Installations or equipment for the cooking of food.
 - Electrical sockets.
 - Worktops for the preparation of food.
 - Cupboards for the storage of food or kitchen and cooking utensils.
 - Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers).
 - Appropriate refuse disposal facilities.
 - Appropriate extractor fans, fire blankets and fire doors.
 - Appropriate splashbacks fitted in areas of food preparation, cooking appliances, sinks and wash hand basins.

Ventilation

- Any bathrooms and kitchens should have adequate mechanical ventilation. Mechanical ventilation in bathrooms must be capable of a minimum 15 litres per second rate of extraction. Mechanical ventilation in kitchens must be capable of a minimum 60 litres per second rate of extraction, or 30 litres per second if sited adjacent to the cooking appliance.
- All habitable rooms must have an opening window, equivalent to 1/20th of the floor area, to the outside air to provide adequate ventilation. The windows must provide for a reasonable view, other than those where privacy is required such as in bathrooms for example. French or patio doors that have no separate openable casements, or where there is no alternative openable casement within the room, are not considered acceptable in bedrooms. According to the plans submitted, an openable window could not be identified in the ground floor, middle bedroom in addition to the externally opening door.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards.
- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2020).
- Must meet the requirements of any other associated Housing and/or Houses in Multiple Occupation legislation or regulations if applicable to the property/site.
- Must meet the requirements of The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended).

No grant of Planning or Building Regulations is inferred or implied and it should be noted that the Housing Standards, including room sizes and facilities must be complied with. In cases where it is found that Housing Standards have not been met, this may result in enforcement action being taken by the Private Sector Housing department.