

Recommendation Report for Planning Permission**REF NO:** LU/146/12/**LOCATION:** 12 St. Catherines Road
Littlehampton
West Sussex**PROPOSAL:** Proposed conversion of existing vacant dwelling into 6 no. self contained residential units**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to conversion of a former residential rest home with 12 rooms to 6 flats. 3 x 1 bed flats on the ground floor, 2 x 1 bed flats on the first floor and a 2 bed flat on the second floor.
SITE AREA	411 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	145 dwellings/hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	0.3m high wall to site frontage. 1.8m high close boarded fence to side and splitting front garden dropping to 1m on side frontage.
SITE CHARACTERISTICS	3 storey semi-detached property in poor state of repair. Built elevations. Plain tile roof.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly large semi-detached properties of similar design and age set back from site frontages. Nos. 11 and 13 are 5 flats and no. 14 is 2 flats.

RELEVANT SITE HISTORY

LU/312/71	Change of use of ground floor flat to 5 bed sitting rooms and retention of remaining 2 flats on 1st and 2nd floors	Approve Conditionally 01-10-1971
LU/270/72	Conversion of first floor flat into s/c unit	Approve Conditionally 18-08-1972
LU/5/84	Change of use to residential registered rest home	Approve Conditionally 15-02-1984

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Consultations responses received:

COUNTY HIGHWAYS:

No objection. Condition relating to cycle parking requested. The increased demand for five parking spaces is not anticipated to generate any highway safety concerns.

ENVIRONMENTAL HEALTH:

Flat 1:

There appears to be inadequate provision of natural lighting and ventilation to the living room/kitchen of the flat. The use of patio style doors is not considered adequate for natural lighting or ventilation to the living room/kitchen of the flat. The use of patio style doors is not considered adequate for natural lighting or ventilation. For lighting the glazing is to be equivalent to 1/10th of the floor area of the room and ventilation to be by openable windows with an openable area equivalent to 1/20th of the floor area.

Flat 3:

Means of escape windows are required for the bedroom as means of escape is via another room of significant risk in the event of fire.

Flat 4:

The bedroom size would limit occupation of this flat to 1 person only.

Flat 5:

The kitchen appears to be below the minimum recommended floor area of 5.5 sqm.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built-up area boundary

Building or structure of character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[GEN12](#)
[GEN22](#)

The Form of New Development

Parking in New Development

Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the character of the surrounding area and no affordable housing agreement has been submitted as part of the proposal.

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

The site lies within the built-up area where residential development is acceptable in principle. The existing property is large and it has previously been used as flats and most recently as a rest home with 12 rooms. It is located in an area where many neighbouring properties have been converted to flats. Number 11 had permission in 1984 to convert to 5 flats (LU/613/84) and no. 13 was granted approval to convert to 4 flats (LU/277/02). However from a site visit it appears that

both numbers 11 and 13 are in 5 flats.

The original property has been extended and the curtilage to serve the number of units proposed is limited. The property has a significant ground floor footprint in relation to the size of the curtilage providing a limited outside amenity area for 6 flats.

Environmental Health have concerns regarding means of escape, provision of light and room sizes which indicate that layout and number of units is high. Whilst this is separate legislation from planning the proposal would struggle to meet the required standards and a fewer number of units would allow a greater flexibility in the layout.

The conversion of the property into 6 units would therefore be excessive in relation to the size of the site and would be out of keeping with the general levels of usage and activity of adjoining sites. The neighbouring properties have received planning approval for a fewer number of units than that proposed and the proposal would therefore be out of character and represent a more intensive use.

The proposal generates the requirement for a commuted sum payment of £6,999 in relation to affordable housing contributions in accordance with the council's interim affordable housing policy. No legal agreement to secure these payments has been submitted with the application.

The application is therefore recommended for refusal for the following reasons.

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 (the right to respect for public and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

In assessing this proposal no negative 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).

RECOMMENDATION

REFUSE

- 1 Having regard to the size of the property and the limited external amenity area, its conversion into 6 units of accommodation would give rise to an over-development of the site which would be out of keeping with the character of the area and would provide an unsatisfactory environment for the occupiers in conflict with policy GEN7 of the Arun District Local Plan.
- 2 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Council's interim affordable housing policy adopted on 18 August 2010