

Recommendation Report for Planning Permission

REF NO: LU/201/18/PL

LOCATION: 137 Bayford Road
Littlehampton
BN17 5HW

PROPOSAL: Continuation of use of property as a house in multi occupancy as 8no bed sits

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.10 Hectares.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Low lying wall to site frontage. Fencing to rear. Alley way separating the side elevation with the rear garden boundary fencing serving properties 92 & 94 South Terrace.
SITE CHARACTERISTICS	Semi-detached 3 storey property with painted rendered elevations. Currently in multi occupancy.
CHARACTER OF LOCALITY	Town centre residential. Area formed mainly of two/three storey HMOs, flats and single family dwellings.

RELEVANT SITE HISTORY

LU/135/78	Change Of Use From Private Dwelling House To Guesthouse	Approve 10-05-78
LU/180/06/	Proposed conversion of 1st & 2nd floors to 2 No. self contained flats with minor improvements to 2 No. existing ground floor bedsits (Re-submission of LU/339/05)	Refused 19-07-06
LU/339/05/	Alterations to the existing premises to provide 5 No. self contained residential units	Refused 24-01-06

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection on the grounds that:

- The proposal would be contrary to Policy HSP4 of the Arun Local Plan as it would result in an over concentration of HMO's in the area thereby destroying the character of the area and reducing the stock of family housing.
- Neighbouring occupants cite the impact the development will have on neighbouring amenity.
- Lack of occupation levels for the proposed HMO and therefore room sizes appear cramped and fail to meet the required space standards.

3 letters of objection from 2 neighbouring households raising the following issues:

- The description implies the application is for a continual use when the property was not previously a HMO.
- Property converted from a 3 bed B&B to 8 units.
- There is inadequate drainage/ sewage facilities which was main reason for refusing HMO in 2006.
- In regard to flooding there is an absence of a Flood Risk Assessment.
- Side windows are opening and non-obscure glazed.
- They have created a lack of privacy into both the gardens of No.92 & 93 South Terrace.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and covered in Conclusions section of the report.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - PRIVATE SECTOR HOUSING

A confirmed list of licenced HMOs in Bayford Road stands at a total of 6 as of November 2018. There are also many other category HMOs in those dwellings that have been converted into self contained flats.

In the past the property was not licenced but was run as a B&B. The Council have and still use it as Emergency Accommodation for a number of years. There is little information about previous occupancy or when it was changed from a B&B to what would be classed as a true HMO, evident by us in licencing only this year.

Currently the temporary licence is for a maximum of 15 persons in 9 households (as there are nine bedrooms); however, to comply with the Licence requirements in regard to dining and kitchen facilities, they will almost certainly have to lose one bedroom (to use as a dining room) and so the number of households will reduce to 8 with a maximum of 14 persons (8 bedrooms).

ENVIRONMENT AGENCY - No comment as no basement accommodation is included.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A large proportion of comments by Environmental Health refer to licensing issues which are covered by separate legislation.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HSP4	H SP4 Houses in multiple occupation
SDSP2	SD SP2 Built-up Area Boundary

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

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 Neighbourhood Development Plan

Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The policies in 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 not considered to conflict with relevant Development Plan policies in that it would not have a significantly adverse impact upon the established character and residential amenities of the surrounding residential 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 site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan. This is provided that the change in use is in accordance with other policies of the Local Plan covering such issues as character, residential amenity, noise, highway safety & parking and space standards.

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.

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

Further material planning guidance is contained within paragraph 118 (d) of the NPPF which states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

ARUN LOCAL PLAN POLICY H SP4 - Houses in Multi Occupancy.

Arun Local Plan policy H SP4 states that:

"Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing;
- b. Do not contribute to the generation of excessive parking demands or traffic in an area;
- c. Provide adequate areas of open space."

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

In terms of character it is noted that the area is predominantly residential with a mix of flats, and family houses. The Councils Environmental Health Officer confirms no.6 licenced HMO's on Bayford Road together with a number of converted dwellings in multi occupancy. Officers, therefore consider that a new multiple occupancy dwelling would not be out of character or erode the housing mix in the locality to its detriment.

In so far as parking demand it is noted that this is a town centre location, where the provision of on street

parking is an issue. However, there are public car parks in close proximity at Surrey Street, Anchor Springs, and St. Martins Road. Also due to the town centre location, there is provision of alternative forms of transport within the area. There is a #15 bus stop near the application site, with bus links provided by the National Express, or the 700 Coastliner. Littlehampton train station is a short distance away and cycle parking within the site will be provided by way of condition.

The application is therefore in accordance with part b. of policy H SP4.

Part c of policy H SP4 requires that proposals provide adequate areas of open space. The proposal benefits from a rear garden which will be shared amongst the residents such that they will be able to sit outside. Furthermore, the site is within a short walk of Beach Green, Harbour Park and the seafront. It is considered therefore that residents will be able to easily access outdoor amenity space.

It is therefore considered that the proposal complies with policy H SP4 of the Arun Local Plan and with the guidance on character and traffic within the NPPF.

NOISE & 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."

Furthermore, policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered that the proposed use of the building will result in a significant change in noise emanating from the building, when compared to its previous permitted use as a Guesthouse/B&B. The existing building is already partially residential, and this application seeks to extend that use by removing the guest house use. Further supporting evidence is that Arun Environmental Health Officers have not raised any objections on noise grounds to the application.

In appeal decision APP/C3810/W/18/193887 (allowed and issued on the 6th of June 2018), the Inspector stated that occupiers of HMO are likely to have similar 'comings and goings' when compared to those of a large family, who could occupy the present building. The appeal sort the change of use from residential to an HMO at 19 Bayford Road which is in close proximity to the application site. This is considered to support the view that a refusal would be unlikely be supported at the appeal stage.

Two additional windows to the second floor have been inserted. One window serving Room 6 as a secondary window and the other serving room 7 as a primary window.

The officers note the neighbouring occupiers concerns in regard to the impact of the establish side windows. From highlighting the issue of overlooking the applicant has agreed to provide obscure glazing to be fixed shut with ventilation at 1.7m above floor level. These agreed alterations will reduce the impact to an acceptable level. It is therefore considered that the proposal complies with Arun Local Plan policies D DM1, QE SP1 and QE DM1.

INTERNAL & EXTERNAL SPACE STANDARDS:

Arun Local Plan policy D DM2 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".

However, the Technical Housing Standards (Nationally Described Space Standard) does not provide any relevant planning standards for Houses in Multiple Occupation. Instead, regard should be had to Arun's own Environmental Health Private Housing Standards to ensure suitable living standards. Informatives are recommended directing the applications to their responsibility under this legislation.

The application is for a 8 household units (8 bedrooms) with shared facilities. Environmental Health confirm the property has suitable facilities to serve 8 households with a total occupation level of 14 inhabitants. There is also a room the caretaker sometimes uses to sleep in which is the room labelled 'private' on the ground floor. Therefore officers accept the occupation levels are acceptable subject to legislation which is in the control of Environmental Health.

SUMMARY:

The proposed conversion of this property is considered to represent an efficient use of urban land and does so without negatively compromising the visual amenities or character of the area, highway safety or the amenities of existing nearby residential occupiers. The proposal is considered to be sustainable development and also complies with the relevant development plan policies. The recommendation to approve is therefore made 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), 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

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 approved shall be carried out in accordance with the following approved plan:

- Location plan - Drawing 1
- Block Plan - Drawing 2
- Original B & B layout plan
- Existing internal layout Floor Plan

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.

- 2 Within three months of permission hereby granted details of covered and secured cycle parking spaces must be submitted to, and approved by the Local Planning Authority. Agreed details will thereafter be permanently retained.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

- 3 Within two months of permission hereby granted the two windows on the north elevation serving Room 7 and Room 8 on the second floor of the building shall at all times be glazed with obscured glass and fixed shut below 1.7m above the internal floor level. These shall thereafter be permanently maintained as such.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 4 **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.

- 5 **INFORMATIVE:** All HMOs within Arun District must conform to Arun District Council's "Houses in Multiple Occupation Standards" (available at <https://www.arun.gov.uk/hmo>), as well as the Housing Act 2004 (and associated legislation including HHSRS and be free of Category 1 and significant Category 2 Hazards), and where applicable the Management of Houses in Multiple Occupation Regulations 2005, 2006.

- 6 **INFORMATIVE:** Fire Safety - Appropriate fire precaution and detection 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."

- 7 **INFORMATIVE:** You should be aware that the assessment at this time does not prevent the Council from taking future enforcement action in relation to any hazards identified now or at a future date, including once construction or conversion has taken place or with changes in legislation, regulations, guidance or standards.

- 8 **INFORMATIVE:** Any rented property with five (5) or more unrelated occupants forming 2 or more households who share cooking and/or bathing and/or WC facilities will require a mandatory HMO Licence.

9 INFORMATIVE: Room Sizes - In respect of this application specifically, it is considered that due to the size of the kitchen and dining room, the bedrooms are of sufficient size to be occupied by:

Room 1 - 2 Persons

Room 2 - 1 Person

Room 3 - 1 Person

Room 4 - 2 Persons

Room 5 - 3 Persons (En suite)

Room 6 - 1 Person

Room 7 - 2 Persons

Room 8 - 2 Persons (En Suite)

(Private room) - occasional use for caretaker

Total occupation of premises for 14 people.