

Recommendation Report for Planning Permission

REF NO: LU/231/25/PL

LOCATION: 40 Pier Road
Littlehampton
BN17 5LW

PROPOSAL: Change of use of single C3 dwelling and C4 HMO into a single C3 residential dwelling house, This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS**DESCRIPTION OF APPLICATION**

The application seeks to change the use of the building from 1.No dwelling and HMO to a single C3 dwelling. No external alterations are proposed.

The existing building contains a self-contained 1 bed dwelling to the lower ground floor with access from the garden through the rear of the property and a 3 bed HMO to the ground, first and second floor.

SITE CHARACTERISTICS

Residential property. 3 storeys plus basement. Victorian/Edwardian property, brick and tile hung abutting the road, parking to the rear.

CHARACTER OF LOCALITY

Residential, commercial mixed.

RELEVANT SITE HISTORY

LU/379/22/PL

Change of use of existing C3/C4 (dwelling and HMO) use ApproveConditionally to 1 No. one bed C3 dwelling and 1 No. two bed C3 dwelling. 13-01-23

REPRESENTATIONS

Littlehampton Town Council - Support.

No representations received from nearby residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection.

Economic Regeneration - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

Historic Flood Map

Flood Zone 2 and 3.

Flood Risk from Climate Change 2031

Article 4

Economic Growth Area

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 it would not result in harm upon the character of the area, nor upon residential amenity, parking or flood risk.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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,
- (aza) 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

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) being a change of use.

CONCLUSIONS

PRINCIPLE

The site is in a built-up area boundary where new development should be focussed, according to policy SD SP2 of the Arun Local Plan (ALP), provided it accords with other policies of the Plan covering such issues as visual and residential amenity, parking and highway safety.

Policy 1 of the Littlehampton Neighbourhood Plan (LNP) states "Planning applications which accord with the policies in the Neighbourhood Plan will be approved unless material considerations indicate otherwise."

Policy 2 of the LNP states that "The Neighbourhood Plan concentrates future housing, economic and community-related development within the built-up area boundary of Littlehampton".

DESIGN AND CHARACTER

ALP policy D DM1 requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. ALP policy D SP1 requires development to make an efficient use of land and reflect local character.

The proposal seeks to alter the internal layout of the property only and the design and external appearance of the property will remain as existing.

The site has an existing use as a HMO for residential living to three floors and single C3 unit to the lower ground floor. The conversion of the unit to one C3 dwelling will not alter the fundamental use of the

property. Prior to being converted into the existing HMO, it is noted that the property was a single C3 dwellinghouse. The properties surrounding the site are of residential use, of various configurations. In terms of character the conversion from a C4 use to C3 will not harm the character of the area.

The conversion from a HMO and C3 dwelling to one C3 dwelling will not harm the character of the area and accords with ALP policies D SP1 and D DM1.

RESIDENTIAL AMENITY

No extensions or new openings are proposed within the building, as such the dwelling will not have an increased negative impact on amenity levels through overlooking or by being overbearing.

The use of the property will not result in an intensification to its use. As existing, the C4 HMO consists of three bedrooms and the C3 unit has one bedroom. The conversion will maintain the number of bedrooms. Therefore, the alteration in the dwelling type would not be so material as to result in a significant increase in noise and disturbance or warrant a refusal in this case. Environmental Health has raised no objection in this regard.

The proposal would not result in adverse harm upon the amenity of neighbouring occupier and the proposal accords with policy D DM1 of the ALP.

INTERNAL/EXTERNAL SPACE STANDARDS

ALP policy D DM2 states: "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".

The property would have an internal gross area of approximately 140sqm which exceeds the standards for a 4 bed, 3 storey property.

The supporting text to ALP policy D DM2 refers to the Arun Design Guide SPD which include guidance on external space standards, and the need for applications to have regard to include adequate provision of private external space.

Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space

The property has a good sized garden with a depth of 31m which provides a sufficient amount of private outdoor amenity space.

The proposal complies with ALP policy D DM2 and the ADG.

TRANSPORT AND PARKING

ALP policy T SP1 seeks to ensure, amongst other factors, that development provides acceptable levels of parking.

Arun Parking Standards require a 4 bed dwelling in this location (Parking Zone 4) to provide two parking spaces. There is some public parking to the front of the property on Pier Road. However this has a parking restriction during summer months and only permits parking for 1 hour during this time. The property does have space to the rear of the site on Clifton Road for two cars and this provides acceptable parking provision.

Therefore, it accords with ALP policy T SP1.

DRAINAGE AND FLOODING:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding. The site is in Flood Zone 3.

A Flood Risk Assessment has been submitted and notes that the amalgamation of the separate basement dwelling into one C3 dwelling will reduce the vulnerability classification from highly vulnerable to more vulnerable. This is positive. The Environment Agency provided no objection. They recommend that no sleeping accommodation should be to the ground floor. The floor plan does show a bedroom however this could be altered. The proposal would result in a betterment to the existing situation. There is an existing 1 bed unit to the lower ground floor level with no refuge should a flood occur. Being one C3 dwelling, occupiers would be able to move upstairs away from flood risk.

There is no a material increase in risk in so far as flood risk is concerned and the proposal complies with the ALP policy W DM2.

SUMMARY

For the above reasons the proposal is acceptable and is recommended for approval subject to the following conditions and informatives.

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 application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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 Plan - MSA-039-20-0000
- Site Plan - MSA-039-20-0010
- Proposed Floor Plan - MSA-039-20-0001

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.