

Recommendation Report for Planning Permission

REF NO: LU/235/18/PL

LOCATION: 36 Pier Road
Littlehampton
BN17 5LW

PROPOSAL: Change from partial residential partial guest house to fully residential as House in Multiple Occupation (HMO)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to convert a partial residential, partial guesthouse to a HMO. It will consist of nine bedrooms, for single occupancy. Five of these bedrooms have toilet/shower rooms within their residential unit. In addition, there are three other toilets/bathrooms serving the whole building. There will be a shared kitchen and utility area on the ground floor.
SITE AREA	200 m².
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The site is open plan to its front boundary. The rear garden is bordered by fencing.
SITE CHARACTERISTICS	Mid-terraced, three storey residential property.
CHARACTER OF LOCALITY	The area is comprised of a mix of building styles and uses.

RELEVANT SITE HISTORY

LU/223/88	Change of use from residential to guest house	ApproveConditionally 27-06-88
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Parish Council. Objection - The Town Council objected to the application on the grounds that it would have an adverse impact on the residential amenity of neighbouring properties. They also raised objections relating to minimum room sizes, with regard to room nine.

1 letter of no objection, 3 letters from applicant, 3 letters of support and 2 objections received.

No objection:

- The property had been empty for many years.
- Too large for a family home.
- It appears to have been finished to a high standard.

Support:

- Gives young people a chance to live independently.
- Weekly inspections ensure there are no issues escalating.
- The house will reduce homelessness.
- People living here will not be able to afford a car, so there will be no issues with parking.

Objection:

- There is no controlled parking zone.
- Parking would become a major issue.
- It is considered that the proposal is not a viable business venture, and therefore the HMO would likely close down.
- There is already an overrepresentation of HMOs in the locality.
- The proposal results in the loss of a B&B, and therefore harms the tourism industry in the area.
- HMO properties attract a demographic who display anti-social behaviour and cause crime.
- Littlehampton will become a less desirable place to live.

Letters from applicant:

- A great deal of time has been spent renovating the building to a high standard.
- Professional tenants will be targeted.
- The B&B has been closed since 2008.
- There is no loss of a family home, as the house has been a guest house for many years.
- There is a shortage of affordable rooms in the area, and this HMO provides a nice home at an affordable price.
- One house will not make a big difference to parking.
- The building is being rewired, with a fire alarm and emergency lighting.
- The dining area can seat 12, with two bar stools.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments raised will be addressed in the conclusion section of the report.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - No comment.

Environmental Health - EH do not raise an objection, subject to the imposition of informatives.

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 one person per room, except Room 9, which is only of sufficient size for a child. If a (fire) door were provided between the hallway and the bedroom this could be used as a single unit for a parent and one child up to the age of 10 years old.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The relevant informatives will be added.

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

Where applicable, 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 considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the

adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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". It goes on within the relevant footnote to state that: "As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings".

ARUN LOCAL PLAN POLICY H SP4 - HMO.

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 there are no changes proposed to the external appearance of this building and therefore, it is only relevant to consider the impact of this new HMO on the established character of the area. It is noted that the area is mixed with residential properties on the eastern (lower) side of Pier Road and a parade of shops to the South. Additionally, Travis Perkins and Lidl can be found to the North, and are considered to be large, commercial areas. There are existing flats in the area, including opposite the host building and to the North East. Resultantly, it is not considered that a new multiple occupancy dwelling would be out of character in this mixed locality.

Comments are awaited from West Sussex Highways in respect of this application and will, if received, be reported to Committee. 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. Due to the town centre location, there is provision of alternative forms of transport within the area. There is a #15 bus stop less than 100m from the application site, with bus links with the National Express, or the 700 Coastliner within 500m. Littlehampton train station is less than 500m away. Cycle parking within the site will be provided by way of condition.

The application is therefore in accordance with policy T SP1 of the Arun Local Plan, and the highway guidance within the NPPF.

Part 'c' of Arun Local Plan policy H SP4 requires that proposals provide adequate areas of open space. However whilst there are no plan policies covering external amenity space or gardens, 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 sits within only 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 existing permitted use as a B&B. The existing building is already partially residential, and this application seeks to extend that use by removing the guest house use. Furthermore, as the property will house nine unrelated people, it is considered highly likely that the occupiers will generate noise and disturbance to a level equalling that generated by B & B guests. Further supporting evidence is that Arun Environmental Health Officers have not raised any objections 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 at current. The appeal was regarding a 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 refusal in this case would be unlikely to be supported at appeal stage.

As there are no external changes to the dwelling there will not be any impact by way of loss of privacy, or overlooking as a result of this application.

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 applicant has confirmed that 'Bedroom 9' will not be used for residential purposes, as it is below the minimum requirements for HMO licensing.

SUMMARY

The proposed conversion of this property is considered to represent an efficient use of urban land and does so without 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) 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

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 plan:

- Existing and Proposed Floor Plans

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 Within three months of the first occupation of the building, plans and details of covered and secured cycle parking spaces must be submitted to, and approved by the Local Planning Authority.

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.
- 4 Details for the storage of waste & recycling bins on the premises shall be submitted to and approved in writing by the Local Planning Authority within three months of the first occupation of the building. The approved facilities shall be provided and retained in perpetuity thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy D DM1, D SP1 and WM DM1.
- 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: 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 one person per room, except Room 9, which is only of sufficient size for a child. If a (fire) door were provided between the hallway and the bedroom this could be used as a single unit for a parent and one child up to the age of 10 years old.

- 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: 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.
- 10 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.