

Recommendation Report for Planning Permission

REF NO:	LU/252/21/PL
LOCATION:	6 Selborne Place Selborne Road Littlehampton BN17 5NH
PROPOSAL:	Change from current 8 bedroom large house in multiple occupation (sui generis) to a 9 bedroom large house in multiple occupation (sui generis). This application affects the character & appearance of the Littlehampton Sea Front Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The property is currently in use as an 8 bedroom House in Multiple Occupation (HMO) and benefits from a Lawful Development Certificate in respect of this use. This application seeks permission to add an additional bedroom by converting a room used as a storage area within the existing HMO into a bedroom with en suite shower room. The room is situated on the ground floor in the south eastern corner of the building. The bedroom has a floor area of 9 sqm and the en-suite is 2.4 sqm. All 8 bedrooms in the existing HMO are located on the first and second floors. Gross Internal Area (GIA) of the existing and proposed HMOs are the same and total 286.1m² . The floor areas are as follows: · Ground Floor: 121.3m² · First Floor: 89.2m² · Second Floor: 67.2m² · Third floor: 8.4m² No external alterations are proposed to facilitate the proposals.
SITE AREA	507.4m sq
RESIDENTIAL DEVELOPMENT DENSITY	160 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low brick and flint wall with honeycomb tile topping, double timber vehicular gates and two large Chestnut trees to front boundary with Selborne Road. Side boundaries some timber

fencing, brick and flint walls, honeycomb tiling, and vegetation. Medium height brick and flint wall and wooden pedestrian gate (and line of trees) to rear boundary with Irvine Road.

SITE CHARACTERISTICS

Locally Listed Building, semi-detached, 4 storey building with brick and tile-hung elevations, decorative brickwork with honeycomb tile detailing and clay tile roof. White UPVC and timber doors and framed windows.

Currently in use as a large 8-bedroom House in Multiple Occupancy (HMO). Enclosed front area laid to hardstanding for parking and a rear communal garden. Bin storage area at the front of the building.

CHARACTER OF LOCALITY

Primarily residential in character (with 1 restaurant 'Vardar' at no.3 and 4 and a children's nursery at no.5). Urban environment. Mixture of traditional semi-detached and terraced housing, post-war/modern houses and blocks of flats.

RELEVANT SITE HISTORY

LU/241/20/CLE	Lawful development certificate for existing use of building as a large House in Multiple Occupation (Sui Generis).	Approve 11-12-20
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LU/163/20/PL	Demolition of existing rear conservatory, erection of single storey front & rear extensions & change of use from large HMO (Sui Generis) to 5 No. flats (4 net) (C3 Dwelling house). This application affects the character & appearance of the Littlehampton Seafront Conservation Area & may affect the setting of a listed building. This application is not CIL Liable as flats in Zone 4 (Zero Rated).	Refused 25-08-20
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REPRESENTATIONS

Littlehampton Town Council - Objection

The proposal fails to conform to the District Council's HMO Space Standards in respect of the size of the kitchen. The Standards specify that a kitchen in a property with a potential capacity of 13 residents should be 19.5m². The kitchen is 14.5m² and therefore deficient.

One Objection

- Don't need any more HMO's.
- This attempts to squeeze another room in to make more money regardless of the overall effect on the town and surrounding area.
- Littlehampton is becoming overrun with Bedsits and HMO's which although legally deemed fit for purpose does nothing for the town.
- The demographics of Littlehampton are being skewed by developers looking to make money at the expense of the residents and the sustainability of the town. The incomes and wealth that any town needs

to remain functioning is being driven out.

- The Council should be refusing inappropriate developments and looking at ways to restrict these developments and where necessary changing the regulations as is being done by other councils.

COMMENTS ON REPRESENTATIONS RECEIVED:

The addition of one bedroom to an existing HMO does not significantly alter the number of HMOs, demographics or wealth of the town.

The kitchen size is compliant with Environmental Health HMO space standards legislation.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

- Bedroom 9 only has a rear door. All habitable rooms must have an opening window casement, equivalent to 1/20th of the floor area, to the outside air to provide adequate ventilation.
- The kitchen size would meet the minimum standards required based on a 9- bed HMO. The minimum kitchen size required for 9 occupants is 13m², which is exceeded.
- There are concerns regarding the current HMO licence that is in place and the size of the ensuite bathrooms being proposed.
- The property is able to achieve a 9-bed HMO based on room sizes and available kitchen and bathroom facilities, however this will be subject to an HMO inspection being undertaken. The granting of planning permission for 9-bedrooms does not necessarily mean the HMO licence will be granted for 9 occupants (based on single-occupancy rooms).
- As the layout of the property has changed, as well as the number of occupants increasing, the HMO Licence Holder must apply to have the licence varied.

County Highways - No Objection.

- Given the existing use of the site one additional HMO bed letting room will not result in a vehicular intensification of use of the site.
- In terms of parking demand WSCC typically recommend a parking demand of 0.5 spaces per letting room for HMO's. The site benefits from 7 existing spaces which will be retained. This quantum of spaces is adequate for the anticipated demand of the resultant 9-bedroom HMO.
- The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and there are no transport grounds to resist the proposal.

Environment Agency - Objection.

The Flood Risk Assessment is not acceptable and does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to provide a sufficient assessment of the impacts of climate change (2125) and subsequent comparison between site specific finished ground floor levels and modelled flood levels.

It is recommended sleeping accommodation is placed at least 300mm above the modelled flood levels (0.5% plus climate change allowances 2125), reducing the risk to occupants for the lifetime of the development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Flood Zone 3
 Conservation Area
 Building or Structure of Character

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HSP4	H SP4 Houses in multiple occupation
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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:

SPD11	Arun Parking Standards 2020
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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 contained within 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 conflict with relevant Development Plan policies in that there would be an unacceptable increased risk of flooding resulting from the development and the flood risk will not be suitably mitigated against.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states:-

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with this criteria as it is not considered to materially affect the character and appearance of the Conservation Area when taking into account the advice contained in the NPPF.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The principle of the use of the site as an HMO is authorised by a Lawful Development Certificate. Only the issues relating to the conversion of the storage area to an additional bedroom can be considered as part of this proposal. No external changes or extensions to the building are proposed.

HOUSES IN MULTIPLE OCCUPATION

Policy H SP4 of Arun Local Plan relates to development involving conversion to HMOs and states that such applications will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and do not adversely affect the character of the area, generate an excessive parking demand and provide adequate areas of open space. The provision of one additional unit of accommodation, capable of single occupancy only, would not conflict with the

requirements of this policy.

HERITAGE CONSIDERATIONS

The building is a locally listed building. It is one of 6 properties (which comprise 'Selborne Place'). The property is also located within the Littlehampton Sea Front Conservation Area which contains a number of terraced and semi-detached properties which illustrate the development of the town as a seaside resort.

Policy HER DM3 of the Arun Local Plan requires development to preserve or enhance the character or appearance of the Conservation Area and, in doing so, seeks to conform to 7 criteria.

Paragraph 195 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The proposed development would not impact the preservation of any defining features or the appearance of the building. On the basis of the above, the development would preserve the character and appearance of the Littlehampton Seafront Conservation Area in accordance with Policy HER DM3 of the Arun Local Plan and paragraph 195 of the National Planning Policy Framework.

The application building is designated as a Building of Character. Arun Local Plan Policy HER DM2 states that proposals for the alteration or extension of buildings on the Local List will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historical interest. The Local Planning Authority will seek to preserve features of such buildings which contribute to that interest.

Policy 17 of the Littlehampton Neighbourhood Development Plan requires the effect of a planning application proposal on the significance of these non-designated heritage assets will be taken into account in determining the application in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale and harm of any loss and the significance of the heritage asset.

The buildings along this section of Selborne Road comprise cumulative visual interest which derives from their collective visual appearance. The proposed development does not propose any amendments to the external appearance of these buildings and therefore their visual appearance would be conserved. It therefore follows that their contribution and cumulative significance would be preserved.

Given the lack of change to the built form of the property the development relates sensitively to the building and preserves the features of the buildings that contribute its interest in accordance with Policy HER DM2 of the Arun Local Plan, Policy 17 of the Littlehampton Neighbourhood Development Plan and paragraph 197 of the National Planning Policy Framework.

The provision of an additional unit of accommodation within the existing building and the activity associated with the unit would not adversely impact on the character of the Conservation Area.

The proposal is such that the impact can be described as causing 'less than substantial harm' (in accordance with para 202 of the NPPF) to the appearance and character of the locally listed building and the Conservation Area.

As per paragraph 199 of the NPPF, great weight is to be given to the conservation of heritage assets. Any harm would need clear and convincing justification, in accordance with paragraph 200 of the NPPF. In addition, LPAs are required, as per paragraph 197 of the NPPF, to take account of other factors such as public benefits. In this particular case, the provision of an additional unit of accommodation would be a public benefit given the use as an HMO already exists.

The proposals would accord with policies HER SP1, HER DM2 and HER DM3 of the ALP, policy 17 of the Littlehampton Neighbourhood Plan (LNP), the NPPF, and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development to have a minimal impact to users and occupiers of nearby property and land.

Paragraph 130(f) of the National Planning Policy Framework requires planning decisions to create places with a high standard of amenity for existing and future users.

The proposed increase of one additional small bedroom within the existing HMO would not result in a noticeable increase in external activity or noise levels. The development would not result in any significant or demonstrable impacts on neighbouring amenity in terms of privacy and overlooking in accordance with Policies QE SP1 and D DM1 of the Arun Local Plan and paragraph 127 of the National Planning Policy Framework.

The proposal would maintain residential amenity of neighbouring occupants, and accord with the NPPF and policies D DM1 and QE SP1 of the ALP.

In terms of the amenity of occupiers the room sizes and ventilation are controlled by other legislation. Environmental Health have provided advise on the requirements and confirm that a new licence would be required. There is adequate shared external space to the rear of the property for use by the 9 rooms within the HMO and the beach and open space are within easy walking distance.

HIGHWAYS & PARKING

Policy T SP1 of the Arun Local Plan requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f)(iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles.

Paragraph 110 of the National Planning Policy Framework (NPPF) states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF 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.

The HMO use would fall within the sui generis Use Class which means that Arun's Parking Standards would not be applied. County Highways anticipate that typically an HMO will generate a car parking demand of 0.5 spaces per bedroom. So for a 9 bedroom HMO the expected car parking demand would be 4.5 spaces. The 7 existing parking spaces will be retained and this is adequate for the anticipated demand of the resultant 9-bedroom HMO.

Policy H SP4(b) makes clear that the provision of HMOs should not contribute to the generation of excessive parking demands or traffic in an area. It is noted that the site is well located to sustainable modes of transport including cycle networks and bus services. Connections to wider transport networks are all available within walking distance of the site.

The development would provide for the transport demands created and not result in any cumulative severe highways impacts. Therefore, the development would accord with Policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. The Local Highway Authority conclude that given the existing use of the building as a large HMO the conversion to 5 flats is unlikely to result in a significant intensification of vehicular use of the site or the existing access point onto Selborne Road. It would not result in a severe impact on highways safety or the operation of the highways network.

FLOOD RISK & DRAINAGE

The application site is located within Flood Zone 3 as identified by Environment Agency Mapping. It comprises a non-allocated site that falls outside the scope of minor development (as defined by paragraph 168 of the NPPF) and would therefore be subject to the Sequential Test under paragraph 162 of the NPPF. Paragraph 159 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).' Paragraph 167 states that 'Where appropriate, applications should be supported by a site-specific flood-risk assessment'. Paragraphs 161-162 of the NPPF refer to instances when a Sequential Test is required. ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans.

An FRA has been submitted which details internal access will be maintained from the ground floor to the first floor. As such, emergency refuge could be sought at the first floor in a worst-case event where prior evacuation is not possible. Under the NPPF the development is considered "More Vulnerable".

The site is located in an area that benefits from the presence of flood defences which will remain in place until at least 2105, Environment Agency Flood Map for Planning does not consider the site to directly benefit from the presence of flood defences. Residents would sign up to the EA Flood Warning systems and monitor weather warnings regularly during periods of bad weather. Following the guidelines contained within the NPPF, the proposed development is not considered to be suitable based on detailed mitigation (including adequate warning procedures). Using the principles of the Sequential Test outlined above under the NPPF, the application of the Exception Test is required. The above approach is consistent with the approach required and detailed in Policy W DM2 of the Arun Local Plan.

The NPPF states that for the Exception Test to be passed it must be demonstrated that the development provides wider sustainable benefits to the community that outweigh flood risk, as informed by a strategic Flood Risk Assessment and a site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

The submitted FRA does not show that the development can be achieved without increasing flood risk overall. The Environment Agency have advised that the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk

and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development and fails to provide a sufficient assessment of the impacts of climate change (2125) and subsequent comparison between site specific finished ground floor levels and modelled flood levels. As such, it is concluded that the application currently fails to demonstrate how the site will be adequately protected from flooding, as required by the NPPF and policy W DM2 (b),(c) and (d) of the ALP.

On the basis that the application does not demonstrate it is able to direct development away from those areas at highest risk of flooding, the development would be unsustainable. Thus, it follows that the development would not fulfil the environmental role of sustainable development as required by paragraphs 7 and 8 of the National Planning Policy Framework and Policy W DM2 of the Arun Local Plan.

SUMMARY:

The proposal is considered to fail to comply with relevant Development Plan policies in that it has not been satisfactorily demonstrated how the building would be adequately protected from flooding. The application is recommended for refusal for the following reason.

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 refusal 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 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.

CIL DETAILS

This application is not CIL Liable. The floor area of the premises is not increasing as a result of the proposal which relates to conversion of existing floor area only.

RECOMMENDATION

REFUSE

- 1 In the absence of an acceptable Flood Risk Assessment and Exception Test, there has been a failure to demonstrate that flood risk will be suitably mitigated against and how the site will be adequately protected from flooding. As such, the application currently fails to accord with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.
- 2 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.