

Recommendation Report for Planning Permission

REF NO: LU/359/21/PL

LOCATION: 18-22 East Street
Littlehampton
BN17 6AW

PROPOSAL: Change of use from C2 residential to an HMO (Sui Generis) (resubmission following LU/124/21/PL). This application may affect the setting of a listed building and may affect the East Street, Littlehampton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed layout shows 11 HMO rooms. The layout provides for accommodation in 2 units. No 22 has a communal living area and a one bed unit with kitchen at ground floor and 3 ensuite bedrooms with a kitchen at first floor and the detached unit (18-20) has 4 ensuite bedrooms at first floor and 3 bedrooms a kitchen, bathroom and communal area at ground floor. The proposals do not detail any car parking and the space within the area edged blue which is used for car parking has permission for 2 outbuildings approved under LU/214/19/PL which included retention of 7 parking spaces. This application is retrospective, with the works having been completed on 31/05/2021.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Flint walling to approx. 2-3m height enclosing rear garden. To frontage walling to approx 1m.
SITE CHARACTERISTICS	The site comprises a former doctor's surgery which is now in use as a C2 (Residential Institution). The use comprises a primary detox and rehabilitation facility for those suffering from addiction. The site comprises two adjacent properties known as 18 - 22 East Street. Nos 18 - 22 East Street comprise locally listed buildings. The properties sit at the end to a group of similarly constructed two-storey properties characterised by flint with red brick quoins and course detail. Other features also include front gable barge boards with finial and brick chimney together with small front gardens. A wide and deep stepped entrance has been created to the main entrance of the former doctor's surgery (18/20 East Street) at the eastern side of the front elevation with the western side given over to parking for one vehicle. The rear gardens to both of these properties have been covered with concrete hardstanding to create further parking spaces.

CHARACTER OF LOCALITY

The area is part of a residential street comprising a uniform character with older style 2 storey semi-detached properties of similar appearance. These properties sit in medium sized plots set back from the highway with gardens to the front and rear. The area comprises a suburban environment on the edge of Littlehampton Town Centre. To the west of the site is 'The Flinstone Centre', a Grade 2 Listed Building comprising an alternative provision college. The site adjoins the tarmacadam playing area associated with the centre.

RELEVANT SITE HISTORY

LU/214/19/PL	Erection of 2no. outbuildings to the rear of 18-22 East Street to provide communal/multi-functional space & therapy rooms ancillary to the lawful use of the site as a Private Detox & Rehabilitation Clinic (C2 Residential Institutions)	ApproveConditionally 25-10-19
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REPRESENTATIONS

Littlehampton Town Council - No Objection.

One Objection.

- Yet another conversion into an HMO. Littlehampton is becoming overrun with Bedsits and HMO's. Substantial family homes, pubs and office buildings are being bought up and converted into accommodation which although legally deemed fit for purpose do nothing for the town. We are losing the cross section of people that any town needs to remain viable.

- The application suggests this development will help raise skill levels and will support healthy communities. It will not.

COMMENTS ON REPRESENTATIONS RECEIVED:

These are addressed in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

This 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 other transport grounds to resist the proposal.

Condition requested with regard to cycle parking provision.

Environmental Health - No Objection.

Request imposition of conditions relating to construction hours.

Conservation Officer - No Objection.

The proposal will not cause harm to the significance of the heritage assets or their setting.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

The request for imposition of a condition to manage construction is not necessary the works are internal and unlikely to cause a nuisance and much of the work has already been done and noise can be controlled by other legislation.

POLICY CONTEXT

Designation applicable to site:

Inside Built-Up Area Boundary

2km Climping Beach SSSI

CIL Zone 4

Within Flood Zones 2 and 3

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
HSP4	H SP4 Houses in multiple occupation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
WMDM1	WM DM1 Waste Management
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
HERDM3	HER DM3 Conservation Areas
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment

[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

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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 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 policies contained within the Littlehampton Neighbourhood Plan (made 2015) are relevant in the determination of this planning 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."

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.

The proposal is considered to conflict with relevant Development Plan policies in that it would not provide an adequate area of open space to serve the future occupants or ensure adequate flood risk.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

This is in the form of the Council's current lack of a 5 year housing land supply which means the NPPF's presumption in favour of sustainable development applies to applications for the provision of housing.

CONCLUSIONS

KEY ISSUES:

The key issues in the determination of this application are as follows:

- Principle of development.
- Impact of this type of housing on the character of the area.
- Parking provision and impact on traffic and highways safety in the area.
- Provision of open space to serve occupants of HMO.
- Provision of internal space for occupants of HMO.
- Waste provision for HMO.
- Impact of HMO on local residential amenity.
- Flood risk.

Other matters of consideration include:

- Impact on Heritage Assets.

PRINCIPLE OF DEVELOPMENT:

The site is within the 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 issues sited above.

Regard should be had to policy SD SP1 of the ALP which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

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. Planning permission will also be granted where relevant policies in the Neighbourhood Plan are out of date or silent unless:

- other relevant policies in the Development Plan for Arun indicate otherwise;
- or any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF;
- or specific policies in the Framework or other material considerations indicate that development should be restricted.

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". Policy 3 of the LNP relates to the provision of housing on allocated sites only.

The proposal is acceptable in principle given its location in a sustainable location within the Built-Up Area Boundary, in walking distance of a range of shops, facilities and services in Littlehampton Town Centre and access to different modes of sustainable transport including walking/cycling routes, bus routes and Littlehampton train station. It would provide small scale accommodation i.e. HMO rooms of accommodation for single people, elderly and young people within 100m walking distance of the town centre who may not have access to private transport.

The proposals would therefore accord with ALP policies SD SP2 and SD SP1, policies 1 and 2 of the LNP and the NPPF, in this respect.

The application proposes the conversion of an existing residential/community use into a large 11 bedroom HMO. All bedrooms have either their own en-suite bathrooms/shower rooms or access to bathrooms but most would share a communal kitchen/dining room on the ground floor level.

Arun Local Plan (ALP) policy H SP4 states applications for HMOs will be favourably considered where they meet certain criteria as follows;

- (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.

The NPPF's para. 12 requires that up-to-date Development Plan policies are the starting point for decision-making. In this case the relevant policy is Local Plan policy H SP4 which is considered to be up to date.

IMPACT ON CHARACTER OF AREA:

HMO policy H SP4 requires that HMOs (a) Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing. The supporting text (para 12.5.1) states "In providing for the housing needs for Arun, it is important to ensure that mixed and balanced communities are developed so that situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing, are avoided."

The site is located within Littlehampton Town Centre, on the outskirts of the main retail and service centre of the high street and surrounding area. The immediate area has a predominantly residential character comprising of detached, semi-detached and terraced housing and some blocks of flats. Given its edge of town centre location, mixed character of different types of housing in the area, it is considered that the introduction of an HMO to this site would not adversely affect the character of the area or erode the balance between different types of housing, including family housing. The area appears to have mixed types of housing for single people and couples like smaller flatted development and other HMO's. The proposals would therefore accord with criteria (a) of HMO policy H SP4.

PARKING, TRAFFIC AND HIGHWAYS IMPACTS:

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

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage.

HMO policy H SP4 requires that HMOs (b) Do not contribute to the generation of excessive parking demands or traffic in an area.

WSPCC Parking Standards Guidance (September 2020) expects the provision of 0.5 car parking spaces per bedroom and 1 cycle parking space per unit for HMO developments. The ADC Parking SPD (2020) does not specify car or cycle parking standards for HMO developments, but for new residential development expects 2 car parking spaces for 4 bedroom + houses (in Parking Behaviour Zone 4) and 1 cycle parking space per unit for 1 bed flats/houses. The ADC Parking SPD also requires all houses with a garage or driveway to include 100% of parking spaces with electric vehicle charging point (EVCP)

provision and for other development to include 20% of parking spaces with this EVCP provision.

The application block plan makes no reference to car parking. There is space for car parking to the rear of the premises within the blue edged area, but this area is subject to planning permission LU/214/19/PL which is awaiting implementation and would potentially share the 7 allocated spaces with the proposed use, which required 6 spaces. The Local Highways Authority (LHA), WSCC Highways, were consulted and commented that for HMOs they would expect parking provision of 0.5 spaces per bedroom so for an 11 bedroom HMO this would equate to 5-6 spaces. They have not objected given the presence of parking to the rear, but this is not within the red edged application site area.

The LPA also note that the site is positioned in a highly sustainable town centre location with access to walking, cycling and public transport routes, and that cycle spaces would be provided on site, as indicated on the block plan, so occupiers would not have to rely on use of a private vehicle. However whilst the LPA can be flexible in applying parking requirements some parking provision would be necessary to serve the proposed use. It is concluded the proposals would result in on-street parking demand in the area, which has limited availability and would not accord with criteria (b) of HMO policy H SP4 in this respect. On street parking is not available outside the site due to parking restrictions so parking would be displaced into neighbouring residential areas where demand is already high.

In terms of traffic generation, the LHA have commented that, although the proposal will result in a slight increase in material movements, given the scale of the proposed HMO, it is not anticipated to have a significant impact on the local highway network. In respect of the site access and highways safety, the LHA commented that; there are no apparent visibility issues with the existing site access and that collision data shows no recorded injury accidents attributed to road layout in the area. They add that there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing highways safety concern.

In conclusion, with planning conditions to secure provision of cycle parking spaces and electric vehicle charging points, the proposals would provide a suitable and safe access. However, the proposal provides no on site parking and would result in excessive on-street parking demand in the area. The proposals would not therefore accord with the NPPF, policies T SP1, T DM1 and H SP4(b) of the ALP.

PROVISION OF OPEN SPACE FOR HMO OCCUPANTS:

HMO policy H SP4 requires that HMOs (c) provide adequate areas of open space.

The proposals include no outside space. This is considered unacceptable outside open space to serve the occupants of an 11 bed HMO. There is an abundance of public open space in close proximity to the property, along Littlehampton seafront and at local parks, providing outdoor amenity for future occupants of the HMO, but some provision should be incorporated into the scheme to allow for outside seating/outside drying areas as a minimum. The only space is next to the bin and bike store which is not acceptable or adjacent to the road frontage which provides no privacy and is likely to be noisy.

PROVISION OF INTERNAL SPACE FOR HMO OCCUPANTS:

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".

The Technical Housing Standards (Nationally Described Space Standard) does not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's Environmental Health Private Housing Standards.

The standards reference the following documents: "LACORS Promoting Quality Regulation" (LGA) 2009 and "Chichester and Arun Landlord Accreditation Scheme Standards" 2013. The Chichester and Arun Landlord Accreditation Scheme Standards 2013 include requirements such as number of bathrooms/toilets, number of electric sockets per room, kitchen facilities, heating, waste disposal, energy efficiency and windows. These would all need to be adhered to in order to receive an HMO licence from the Council.

The Council's Private Sector Housing Officer has not commented but if the use does not meet the HMO Standards, this is likely to be identified as a hazard under the Housing Health and Safety Rating System (HHSRS). The HMO Officer can provide general advice in respect of fire safety, ventilation and legislation requirements.

It is considered the proposal is acceptable in terms of internal space standards and minimum room sizes for this type of use are covered by other legislation in any case.

WASTE STORAGE PROVISION:

The supporting text (para. 12.5.5) to HMO policy H SP4 states that "Larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation. Where large amounts of refuse are not adequately stored prior to collection, it can become both unsightly and a health hazard, particularly during summer months."

Policy WM DM1 of the Arun Local Plan states "New residential development, including conversion of one dwelling into multiple units, will be permitted provided that:

- a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles
- b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats.

The Block Plan indicates the provision of some bin storage (2 bins) for rubbish and recycling to the side on of no 18. For an 11 bedroom HMO, it is expected that 1 x 240L capacity for recycling and 1 x 240L capacity for rubbish is provided per bedroom, and there is adequate provision. A planning condition could be applied specifying the total quantum of waste storage provision required and that details of the bin storage enclosure to be submitted to and approved by the Local Planning Authority prior to occupation.

RESIDENTIAL AMENITY IMPACT OF HMO:

Policy D DM1 of the ALP states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Supporting text (para. 12.5.2) to HMO policy H SP4 states that "A large concentration of housing in multiple occupation (HMOs) can have a significant and potentially damaging impact on the amenity of a local area" and that (para. 12.5.4) "Many properties are capable of accommodating a modest increase in occupancy." It goes on to say however "increased occupancy may well give rise to noise and disturbance".

The proposed change of use from a detox facility to an 11 bedroom HMO may give rise to some increased occupancy and some intensification of the use of the property. However, given the existing size of the premises which is effectively 3 former dwellings capable of accommodating 3 families of at least 12, there would likely be no increase in occupancy. The use would be residential in character and have similar characteristics to residential properties in the locality. It is also worth noting there is not a

large concentration of HMOs in the immediate area. Therefore the potential increase in occupancy or intensification of use would not be so great as to result in a significant increase in noise and disturbance, or warrant a refusal in this case.

The proposed HMO use would result in an increase in external activity and thus, increase in noise levels. However, the nearest properties and thus most sensitive to this increase in noise in the rear amenity space, comprises those fronting Goda Road. In these instance, the nearest property has a rear garden with a depth of 21m and hard boundary treatments which will help consolidate noise. The proposal is in accordance within accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan and the NPPF.

HERITAGE CONSIDERATIONS:

Policy HER DM1 of the Arun Local Plan requires proposals affecting statutory Listed Buildings to protect, and where possible, enhance the setting of the building. 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.

Located to the south west of the application site is the Grade 2 Listed Building referred to locally as 'The Flinstone Centre'. Therefore, the site comprises the setting to this Listed Heritage Asset. The contribution that the application building plays to the setting of The Flinstone Centre derives from its cumulative visual value which are established by the series of similar properties along East Street.

The development does not comprise any external alterations to the buildings and therefore the development would not impact upon the setting of the nearby Grade 2 Listed Building in accordance with Policy HER DM1 of the Arun Local Plan and paragraph 190 of the National Planning Policy Framework which requires that the significance of heritage assets are sustained and enhanced.

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 the 7 point 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 site falls within the Littlehampton East Street Conservation Area. The Arun District Council Conservation Area SPD guidance states that 'the principal materials within the area are stucco, brick and flint for external walls and slate and plain clay tiles for the roofs of buildings. Flint, in a particularly well detailed form, is a predominant and unifying feature of Nos. 18-22, 43-57 and The Flintstone Centre, East Street.

The area is also characterised by significant lengths of flint boundary walling. Landscaping, including mature trees, enhance and help visually unify the area, e.g. along the front boundaries of St Joseph's Franciscan Covenant, Winterton Lodge an the Flinstone Centre. Chimneys are important features on the skyline.'

The proposed development would preserve the defining features in relation to the flintwork appearance of the buildings. An opportunity would exist in the form of a condition to increase the level of planting across the site. This would serve to enhance the character and appearance of the East Street, Littlehampton Conservation Area.

On the basis of the above, the development would preserve the character and appearance of the East Street Conservation Area in accordance with Policy HER DM3 of the Arun Local Plan and paragraph 195 of the National Planning Policy Framework.

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 203 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 East Street comprise cumulative visual interest which derives from their collective visual appearance (as detailed in the corresponding Arun District Council Conservation Area SPG). 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 and no objection has been received from the heritage officer.

The development relates sensitively to the building and preserve the features of the buildings that contribute to their 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.

FLOODING/DRAINAGE:

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. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. The ADC Design Guide SPD (Section K.04) requires that development incorporate Sustainable Drainage Systems (SUDs) and flood risk mitigation.

The application site is located within Flood Zones 2 and 3 as identified by Environment Agency Mapping. The application site comprises a non-allocated site that falls within the scope of minor development (as defined by paragraph 168 of the NPPF) and would not therefore be subject to the Sequential or Exceptions Test.

The above approach is consistent with the approach required and detailed in Policy W DM2 of the Arun Local Plan.

The application does not include a Site Specific Flood Risk Assessment. In the absence of such information the development is contrary to paragraph 167 and 168 of the National Planning Policy Framework.

On the basis that the application does not demonstrate that it does not increase flood risk elsewhere and that it is appropriately flood resistant/resilient it is not acceptable. Thus, it follows that the development is contrary to Policy W DM2 of the Arun Local Plan.

ECOLOGY:

In terms of legislation, development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required. Paragraphs 174 and 180 of the NPPF indicate that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Act and the NPPF. ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

No biodiversity enhancement measures have been proposed. In order to accord with the Environment Act, NPPF and ALP policy ENV DM5 a planning condition would be needed to secure a Biodiversity Net Gain Plan to show proposed measures e.g. inclusion of bird boxes, wildflower planting etc.

SUMMARY:

The proposals therefore do not accord with the relevant policies in the Development Plan and the NPPF and the application is accordingly recommended for refusal, subject to 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 (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 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 (dependant on any exemptions or relief that may apply)

RECOMMENDATION**REFUSE**

- 1 Given the lack of detail with regard to flooding, mitigation and flood risk and the absence of a Flood Risk Assessment the proposal is not acceptable and in conflict with Policy W DM2 of the Arun Local Plan and paragraphs 167 and 168 of the NPPF.
- 2 The proposal provides no outside amenity space for occupiers of the proposed development in conflict with policy HSP4 of Arun Local Plan.
- 3 The proposal would not make adequate provision for parking on site and would therefore increase the pressure for on-street parking in the area where insufficient space is available adversely affecting residential amenity in conflict with policy TSP1(d) and H SP4(b) 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 identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.