

Recommendation Report for Planning Permission

REF NO: LU/54/13/

LOCATION: 59 Bayford Road
Littlehampton

PROPOSAL: Conversion of dwelling to form 2 No 2 bed self- contained maisonettes

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves conversion of the existing 5 bedroom dwelling into 2 x 2 bedroom flats. The existing garage to the rear would be removed and 2 parking spaces, cycle stores, and bin stores would be provided to the rear.
SITE AREA	0.0214 hectares
RESIDENTIAL DEVELOPMENT DENSITY	93 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Side boundary to no.57 comprises 1 metre high walling. To no.61 walling and fencing to 2 metres.
SITE CHARACTERISTICS	Mid terrace 3 storey property. 2 bay windows to front. Painted brickwork elevations.
CHARACTER OF LOCALITY	Predominantly residential. Comprising terraced properties of 2 and 3 storey height. Some remain as single dwellings. Many have been converted to flats. No. 57 is in 3 flats, 61 is a single dwelling, 65 is in 2 flats, 63 is a dwelling, 55 is in 2 flats, 53 is in 4 flats and 49 is in 5 flats.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Environment Agency

report

Environmental Health
Planning and Housing Strategy

Consultations responses received:

Environment Agency - No objections on flood risk grounds. Recommend consideration is given to producing a personal flood plan which should be discussed with the Council's Emergency Planning Officer.

Comments on Consultation responses:

Comments noted. The request to discuss a flood plan with the Emergency Planning Officer is incorporated as an informative. It is noted that no bedrooms are proposed at ground floor level.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Building of Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN10	Tidal Flooding and Coastal Defence
	GEN12	Parking in New Development
	GEN22	Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
------	------------------------------------

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
------	-----------------------------------

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 which was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

report

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

The property lies in an area where many former dwellings have been converted to flats and the principle of sub-division is therefore acceptable provided the number of units would not generate an excessive amount of noise and activity and the size of the units and amenity areas are adequate.

This proposal results in the creation of 2 x 2 bed flats and has a garden area to the rear providing an outdoor amenity area for both flats and also car parking and cycle parking. The amount of activity generated by 2 households is unlikely to be significantly greater than that associated with the existing 5 bedroom house. The proposal is therefore acceptable in terms of residential amenity.

The creation of 2 flats would be in keeping with the character of the area which is defined by a mix of converted properties and single dwellings. The number of units would not result in an overdevelopment of the site. There would be no adverse effect on visual amenity since, with the exception of parking and cycle provision, no external alterations are proposed. The proposal therefore accords with policy GEN7 of Arun District Local Plan.

The property is a Building of Special Character and its retention is encouraged by policy GEN22 of Arun District Local Plan. The proposal retains a building recognised as important for its contribution to the character of the area and no alterations or extensions are proposed which would adversely affect the appearance of the building or its setting. The proposal therefore accords with policy GEN22 of Arun District Local Plan.

The application includes 2 parking spaces and a shed providing cycle storage for 2 bikes accessed from the existing access road to the rear of the site. The site lies in a sustainable location close to bus routes and the level and nature of car and cycle parking are acceptable. Their provision will be controlled by condition.

The conversion of the property to 2 flats generates a requirement for affordable housing contributions. An obligation has been submitted as part of the application relating to payment of £2958 in this respect.

The site lies within an area categorised as Flood Zone 3 and a flood risk assessment has been included in the application. The layout of the proposal is such that no bedrooms are provided at ground floor level. The Environment Agency have no objections to the proposal and the proposal

accords with policy GEN10 of Arun District Local Plan.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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(the right to respect for 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 no negative 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).

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 nos.12/3996/3 and cycle store details scale 1:50.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with of the Arun District Local Plan.

- 3 The flats shall not be occupied until the parking spaces and cycle storage shown on the submitted plans have been provided and constructed. The areas of land so provided

report

shall not thereafter be used for any purpose other than the parking of vehicles and cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to promote sustainable modes of transport in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7,GEN10,GEN12, GEN22

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 **INFORMATIVE:** The applicant is advised to contact the Council's Emergency Planning Officer to discuss a personal flood plan for the flats hereby approved.
- 6 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.
- 7 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing.