

Recommendation Report for Planning Permission

REF NO: LU/60/22/PL

LOCATION: 27 Clifton Road
Littlehampton
BN17 5TE

PROPOSAL: Change of use (regularisation and part retrospective) from 11 bed HMO (Sui Generis) to a 20 bed HMO & 2 No dwellings (net gain of 1 No dwelling). This site is in CIL Zone 4.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This proposal comprises a 20 no bedroom sui generis HMO with associated site management office. It includes 2 separate 1bed, 1person self-contained units.

Currently the first floor is used as an 11 bed HMO which does not benefit from planning permission (although it has been licensed since 2017) and this proposal seeks to regularise the use. There is a 1-bed residential unit and garage/storage at ground floor.

The scheme will result in improved facilities for existing units including the addition of a staffed site management office, introducing en-suite facilities for all HMO rooms and updating the communal kitchen/dining areas on both floors and providing an additional self-contained unit at first floor. The existing communal first floor terrace area is retained, and it is proposed that use of the area will be regulated by the site manager/concierge.

The existing self-contained unit at the eastern end of the ground floor is reconfigured. The proposal results in this being a self-contained unit accessed from Clifton Road. New south-facing and east-facing windows are proposed whilst the existing north facing window is retained. The ground floor garage, hallway, boiler room and storage areas will be converted to additional HMO accommodation at ground floor.

The proposal does not include any parking. There is space in the drive to provide bin storage for rubbish/recycling.

SITE AREA

396 sq m.

TOPOGRAPHY

Predominantly flat.

BOUNDARY TREATMENT

Fencing to car park boundary to south and west.

SITE CHARACTERISTICS

Semi-detached, 2-storey building, with red brick exterior and a pitched slate roof with a gabled front elevation. There is an

CHARACTER OF LOCALITY

existing driveway area opening onto Clifton Road.

Urban character. Residential area comprising mainly 2 storey terraced dwellings just outside Littlehampton town centre. The site adjoins the car park to the retail unit to the west.

REPRESENTATIONS

Littlehampton Town Council - Objection.

- Unacceptably high density constituting an overdevelopment of the site.
- Out of character in the neighbourhood.

6 Objections.

- Overlooking from skylights.
- Neighbours have experienced anti-social behaviour from adverse impact of use over the last two years prior to the recent refurbishment work to the property.
- The police have been called on many occasions over the last two years and since the completion of the refurbishment works some weeks ago there have been further episodes of noisy and disruptive behaviour at anti-social hours.
- Impact of the behaviour has affected ability to peacefully enjoy the use of our garden and bedrooms.
- Noisy behaviour mostly takes place on the raised metal access platform at first floor level at the side of the property which overlooks both Clifton Road and Lidl's car park. The steel platform and gate is constantly slammed by residents, although since the refurbishment this has been kept open.
- Increasing the number of beds from 11 to 20 would make matters much worse.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in Conclusions section of report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection.

The development will remain car parking free as existing and parking would be available in nearby car parks where permits are an option should future residents require them. The Local Planning Authority may wish to consider parking from an amenity aspect.

In accordance with Cycle Parking Standards, safe and secured cycle parking spaces of one space per bedroom should be provided within the development to encourage sustainable transport.

Refuse collection / servicing will be carried out from the kerbside, along Clifton Road, in line with the existing arrangements for the neighbouring properties.

Private Sector Housing Officer - No objection.

Provision of general advice in respect of fire safety, ventilation and legislation requirements.

Environmental Health Officer - No objection.

Recommend planning condition for standard construction hours.

Sussex Police - No Comment.

Southern Water - No objection. Informative requested.

Environment Agency - Objection.

The Flood Risk Assessment needs to include the following, to enable a full assessment:

- Consider the impacts of climate change on flooding risk throughout the site.
- Consider how a range of flooding events (including extreme events) will affect people and property.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Inside Built-Up Area Boundary

Flood Zones 2 and 3

CIL Zone 4

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
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
WMDM1	WM DM1 Waste Management
QESP1	QE SP1 Quality of the Environment
ENVDM5	ENV DM5 Development and biodiversity
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[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:

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, 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.

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 has not been satisfactorily demonstrated that the risk from flooding is acceptable nor that sufficient external space is provided.

OTHER MATERIAL CONSIDERATIONS

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

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.

Other matters of consideration include:

- Flooding.

- Impact on ecology.

PRINCIPLE OF DEVELOPMENT:

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.

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 and states that sites within 400m walking distance of a local centre will be particularly suited to meeting the needs of smaller households, elderly and young people without private transport and therefore at least 50% should be 2 beds or smaller.

The proposal is acceptable in principle given its location in a sustainable location in 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 400m 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, 2 and 3 of the LNP and the NPPF, in this respect.

The application proposes the conversion of a single dwelling into a large HMO (6 bedrooms+) to form a 20 bed HMO and 2 self-contained flats. All bedrooms have en-suite bathrooms/shower rooms but not kitchenettes and would share a communal kitchen/dining room on each 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.

In principle the use of the site as an HMO would be acceptable in this location.

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 in 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, 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 has mixed types of housing for single people and couples and other HMO's. There are 11 other HMO's within 100m of the site in New Road, Bayford Road and Clifton Road. The proposals would 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.

WSCC 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 application proposes no car parking spaces or cycle parking. The Local Highways Authority (LHA), WSCC Highways, commented that Clifton Road is located in a controlled parking zone. The development will remain car free and parking would be available in nearby car parks where permits are an option should future residents require them. From a highway safety perspective there would be no concerns. However, the Local Planning Authority (LPA) may wish to consider the potential amenity impacts of increased on-street parking. They recommended a planning condition to secure provision of appropriate cycle parking.

The site is in a highly sustainable town centre location with access to walking, cycling and public

transport routes, and that cycle spaces could be provided on site, so occupiers would not have to rely on use of a private car. Based on this, and the LHA comments, the proposals would not result in excessive on-street parking demand in the area and would accord with criteria (b) of HMO policy H SP4 in this respect.

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. It is concluded that the proposals would not result in the generation of excessive traffic in the area, and would accord with criteria (b) of HMO policy H SP4 in this respect.

Subject to conditions to secure provision of cycle parking spaces the proposals would; not result in severe harm to the operation and safety of the highways network, would not result in excessive traffic generation or on-street parking demand in the area, and be in a sustainable location and encourage use of sustainable modes of transport. The proposals accords with the NPPF, policies T SP1, T DM1 and H SP4(b) of the ALP and the non-compliance with the car parking standards is acceptable.

PROVISION OF OPEN SPACE FOR OCCUPANTS:

There are no requirements for external space standards however Section H.04 of the recently adopted Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. The first floor plan indicates a shared communal outside terrace area for amenity use. The space is not sufficient in relation to the size of the property. HMO policy H SP4 requires that HMOs (c) Provide adequate areas of open space. The roof terrace amenity area is accessed externally and internally, leading off the communal hallway. This is inadequate outside open space to serve the occupants of a 20 bed HMO and 2 flats. Although the occupiers are very unlikely to have children (who may require more open play space etc.) and are most likely to be single people and/or couples the significant number of occupiers would mean the opportunity to use the allocated communal space for outside seating/drying of clothes would be limited. The proposals do not accord with criteria (c) of HMO policy H SP4.

There is an abundance of public open space in close proximity to the property, along Littlehampton seafront, river and at local parks, providing outdoor amenity for future occupants of the HMO and self-contained flats which would provide an opportunity for enjoyment of outside space, but it is not usable for other functional use of outside space like clothes drying or informal sitting out space.

PROVISION OF INTERNAL SPACE FOR OCCUPANTS:

Arun Local Plan 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 gross internal floor area of flat 1 is 44sqm and for flat 2 it is 37sqm. According to the Nationally Described Space Standards the minimum gross internal floor area for a 1 bedroom 1 storey dwelling is of 37 m². The proposal would comply with this standard and policy D DM2 of the Arun Local Plan.

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 commented as follows:

- Based on single-occupancy rooms, the room measurements, including the kitchen/diner are sufficient and meet the minimum requirements. All room sizes exceed the 10.2sqm requirement for 2-person occupation where communal dining space is provided.
- The HMO Officer also provides general advice in respect of fire safety, ventilation and legislation requirements.

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 Site Plan does not indicate the provision of bin storage for rubbish/recycling but this currently takes place on the drive. For a 20 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 appears to be no provision according to the site plan. A planning condition could be applied specifying the total quantum of waste storage provision required and that details of the bin storage enclosure should 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 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 change of use to 2 flats and a 20-bed HMO (Use Class C3 to HMO sui generis use) will give rise to increased occupancy and some intensification of the use of the property and is noted that many of the comments made in representations are in respect of noise disturbance and anti-social behaviour from tenants who have been occupying the premises. The problems with unneighbourly impact of the current unauthorised use are acknowledged by the applicant and the agent has submitted a copy of the Management Statement which all occupiers would be required to adhere to. Compliance with the Statement could be conditioned. The Statement aims to prevent anti-social behaviour at the property and the rules and written regulations to be put in place would comply with Mandatory License Conditions for HMOs under Housing Act 2004, with a specific reference to prescribed condition(s) relating to "Tackling Anti-Social Behaviour". This includes:

- Noise restrictions and reductions between the hours of 11.00pm and 08.00am.
- No overnight visitors.
- No nuisance behaviour on the property or affecting neighbouring residents.
- Proper disposal of waste and waste management.
- Directing any neighbour disputes to the concierge for follow-up.
- Zero tolerance on racial, sexual, and personal abuse.
- Zero tolerance on drug and alcohol abuse and misuse.
- No animals allowed.
- Smoking strictly in designated areas.

The use would remain residential in character and have similar characteristics to residential properties in the locality. It is 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 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 accord with policies D DM1 and QE SP1 of the Arun Local Plan and the NPPF.

DRAINAGE AND FLOODING:

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 site is in Flood Zones 2 and 3 (medium and highest risk of flooding), the plot would remain residential. A Flood Risk Assessment and flood mitigation measures are required. The site is at medium risk of surface water flooding. The FRA advises that ground floor finished floor levels will be raised by up to 600mm above existing levels.

The Environment Agency objected on the basis of insufficient information in respect of consideration of the impacts of climate change on flooding risk throughout the site and assessing how a range of flooding events (including extreme events) will affect people and property. They requested a cross section that provides the proposed levels of each floor and a comparison of these heights with modelled flood depths. Based on the information submitted with the application the proposal conflicts with policy W DM2 of the ALP.

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. Paras 174 and 180 of the NPPF indicates 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. To accord with the Environment Act, NPPF and ALP policy ENV DM5 a condition could secure a Biodiversity Net Gain Plan to show proposed measures e.g., inclusion of bird boxes, wildflower planting etc.

SUMMARY:

The use as a 20-bedroom HMO represents an efficient use of the land/building in a sustainable location in the Built-Up Area Boundary. The proposals would, subject to conditions, have acceptable impacts on the character of the area including the balance of different housing types, parking/traffic and highways, the residential and visual amenity of the area, and drainage and would provide adequate internal space for future occupants, waste storage provision, and biodiversity net gain. The proposals do not provide sufficient outside amenity space for the number of residents or detail in respect of flood risk and therefore the proposal fails to accord with policies H SP4, QE SP1 and W DM2 of Arun Local Plan and the NPPF. Based on the information submitted the proposal results in significant and demonstrable adverse impacts that significantly outweigh the presumption in favour of sustainable development afforded by para 11d of the NPPF.

The application is accordingly recommended for refusal, for 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 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 Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION**REFUSE**

- 1 The Flood Risk Assessment (April 2022) is inadequate it does not comply with the requirements for site-specific flood risk assessments set out in paragraphs 30 to 32 of the

Flood Risk and Coastal Change section of the Planning Practice Guidance and fails to include appropriate consideration of the impacts of climate change on flooding risk throughout the site and how a range of flooding events (including extreme events) will affect people and property in conflict with policy WDM2 of Arun Local Plan.

- 2 The amount of outside amenity space is insufficient for the number of residents proposed in conflict with policies QE SP1 and H SP4 of Arun Local Plan.
- 3 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 reason 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.