

Recommendation Report for Planning Permission

REF NO: LU/75/26/PL

LOCATION: Sharoleen Private Hotel
85 Bayford Road
Littlehampton
BN17 5HW

PROPOSAL: Change of use from a B&B to 1 No. residential property. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the use of the property from a B&B to a residential property in C3 use.
SITE CHARACTERISTICS	The site is a two and a half storey property, with an existing single storey rear extension.
CHARACTER OF LOCALITY	The site is located in a residential area close to Littlehampton Town Centre.

RELEVANT SITE HISTORY

LU/165/01/	Rear single storey extension	ApproveConditionally 25-07-01
LU/144/86	Change Of Use To Guest House	ApproveConditionally 12-05-86

Planning history noted.

REPRESENTATIONS

Littlehampton Town Council - No objection.

No representations were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC REGENERATION - Objection.

- The proposal results in a loss of tourist accommodation.
- If the business is no longer viable, a viability assessment should be submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant provided additional information regarding the loss of tourist accommodation, and this is addressed in the conclusions.

POLICY CONTEXT

Designation applicable to site:

Flood Zone 3

Built Up Area Boundary

Article 4

Economic Growth Area

Built Up Area Boundary

2km Buffer for SSSI

CIL Zone 4

DEVELOPMENT PLAN POLICIES

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

TOUDM1	TOU DM1 Tourism related development
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposal does not result in any increase in the vulnerability of the site, given its flood risk situation and will not harm the character of the area. Whilst there is a nominal loss of tourism accommodation, the site has not been used as tourist accommodation for a period of several years.

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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposal relates to the change of use within the built up area boundary. The proposal is acceptable subject to compliance with the relevant development policies.

LOSS OF TOURIST ACCOMMODATION

Arun Local Plan (ALP) policy TOU DM1 states existing visitor accommodation will not be granted planning permission for a change of use that leads to the loss of a visitor offer unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. The change of use would result in the loss of the B&B. Following comments from Economic Regeneration, further details have been received from the applicant regarding the current use of the property. They confirm the property has been used as emergency accommodation for 25 years, and over the last 20 years, this has become the sole use of the property. Whilst there is a nominal loss of tourist accommodation, the property has not accommodated tourists for some years, and there would be no actual loss of tourist accommodation as result. Whilst the application is technically in conflict with ALP policy TOU DM1, the harm arising from the conflict is minimal, and does not warrant a refusal of planning permission.

CHARACTER

The site is a locally listed building and contributes positively to the character of the area. No physical alterations are proposed, and the appearance of the property will not be altered. The area is residential in character the change from a B&B to a dwelling in C3 use would not harm the character of the area. The proposals are in accordance with ALP policies D DM1, HER DM2 and D DM4.

IMPACT ON NEIGHBOURING OCCUPIERS

The change of use is likely to reduce the number of occupiers residing in the property. Comings and goings, and any noise or disturbance generated are likely to be the same as, or less than, those generated by the previous use. There would be no detrimental impacts on the residential amenity of neighbouring occupiers as a result, and the proposal complies with ALP policies QE DM1 and D DM1.

TRANSPORT AND PARKING

Traffic movements and comings and goings are likely to reduce as a result of this change of use, and any change to the parking demand is likely to be a reduction. The proposal will not have an detrimental impacts on traffic or parking in accordance with ALP policy T SP1.

FLOOD RISK

The site is in National Flood Risk Zone 3, where development which increases flood risk vulnerability will be resisted. Both the current use as a guest house and use as a residential property are classed as "more vulnerable" uses in annex 3 of the NPPF, and so the vulnerability classification of the use would not change as a result of the proposals. The number of occupiers is likely to decrease following the change of use, meaning that few people would be at risk. The change of use will not increase the vulnerability of the site, and is therefore acceptable in accordance with ALP policy W DM2.

SUMMARY

Although there is some conflict with ALP policy TOU DM1, the proposal will not result in an actual loss in tourist accommodation, and this conflict does not warrant refusal of planning permission. The proposal complies with other development plan policies and is recommended for approval subject to the following conditions and informatives. The gain of one dwelling would have a very modest housing land supply gain towards the unmet shortfall.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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:

- Location Plan
- Proposed Ground Floor Plan
- Proposed First Floor Plan
- Proposed Second Floor Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.