

PLANNING APPLICATION REPORT

REF NO: LU/315/21/PL

LOCATION: 12 Cornwall Road
Littlehampton
BN17 6EE

PROPOSAL: Change of use from (C3) Dwelling house to 7 bed House in Multiple Occupation (Sui Generis) including the demolition of the existing garage and erection of single storey side extension (resubmission following LU/240/21/PL). This site is in CIL Zone 4 and is CIL Liable as a House in Multiple Occupation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>As above. The proposed layout shows 7 HMO rooms; Units 1 and 5 on the ground and first floor consist a bedroom, en-suite shower room, and lounge, Units 2, 3, 4, 6 and 7 consist a bedroom and en-suite shower room. The layout also includes a communal shared kitchen/dining room on the ground floor. The proposals also include the demolition of the existing single storey garage and the construction of a new single storey side extension in its place to provide additional habitable accommodation (Bedroom 4). The proposals now include 5 parking spaces (increased from 3 to 5 spaces during the course of the application's determination period). The floor plans have also been amended to clarify the ground floor kitchen/dining room is 'communal', remove the separate external access to Bedroom 4, and enlarge the en-suite to Bedroom 4. The Site Plan shows the provision of some bin storage for rubbish and recycling in the front driveway. A shared rear patio/garden area is shown leading off the communal kitchen/dining room.</p> <p>During an inspection in connection with an enforcement investigation in November, it was evident that works to demolish the garage to the west side of the property & excavations for the extension had been carried out. The entrance door to the west elevation had also been blocked up & internal refurbishment works required in connection with the proposed use as a 7 bed house in multiple occupation were in progress.</p>
TOPOGRAPHY	Predominantly flat.
TREES	Group of trees (magnolia, fruit trees and shrubs etc.) on boundaries and around frontage of site.
BOUNDARY TREATMENT	Low level/medium height brick walls, close board timber fencing, concrete posts. Double vehicular gates and single pedestrian gate with brick piers fronting onto Cornwall Road.

SITE CHARACTERISTICS

Two storey detached single dwellinghouse, with brick elevations, hipped tiled roof, white UPVC windows and doors. Single storey attached flat roofed garage. Front, side, rear gardens. Front driveway. Corner plot on junction between Cornwall Road and Arundel Road.

CHARACTER OF LOCALITY

Suburban/urban character. Residential area just outside Littlehampton town centre.

RELEVANT SITE HISTORY

LU/240/21/PL	Change of Use from (C3) Dwelling house to 7 No. bed House in Multiple Occupation (Sui Generis)	Withdrawn 01-10-21
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LU/145/21/PL	Change of use from (C3) Dwelling house to 9 bed House in Multiple Occupation (Sui Generis)	Withdrawn 22-07-21
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LU/145/21/PL - proposal for 9 HMO bedrooms.

Withdrawn, due to adverse comments from the Council's Private Sector Housing Officer including in respect of HMO room sizes and lack of shared kitchen and Town Council's objection based on these comments.

LU/240/21/PL - proposal for 7 HMO bedrooms.

Withdrawn, due to layout not showing an HMO, but rather self-contained units including own en-suites and kitchenettes, so Council concluded application cannot be assessed as an HMO as described and should be refused on that basis.

REPRESENTATIONS

Littlehampton Town Council -
Objection.

Despite comments from WSCC Highways, due to position of site and lack of parking provision and on-site turning space, proposals are unsafe and would have adverse impact on the residential amenity of those living in the surrounding area.

8 letters of objection were received, issues raised summarised as:

- 2 car parking spaces not sufficient for 7 bed HMO.
- Highways safety concerns from local residents given site's corner location, site access, visibility issues and increased on-street parking pressures as a result of proposals. Already issues with parked vehicles obstructing cycle and footpaths in area. Multiple schools accessed by this route.
- Impact on local amenity from on-street parking issues. People cannot egress and access driveways.
- Do not want more HMOs in the area - causes overcrowded parking, antisocial behaviour, drug problems, lack of property maintenance, and the loss of family housing in area affects demographics and makes the town less economically sustainable.
- Construction work has already started on site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Matters of parking and highways safety addressed in Conclusions section of report. The Council is aware that construction work has commenced on site, and the Council's Planning Enforcement team continue to monitor this alongside progress of the planning application, and will take action where appropriate.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

No objection.

Based on revised plans, provision of 5 car parking spaces (and 8 cycle parking spaces) on-site meets the WSCC parking standards for a 7 bed HMO. Proposal will result in slight increase in material movements, but given scale of proposed HMO, it is not anticipated to have a significant impact on traffic/the local highway network. No evidence to suggest existing site access is operating unsafely or that proposal would exacerbate an existing highways safety concern. Based on swept path analysis, it appears that cars may be able to turn on-site using a multi-point manoeuvre, however, reversing out onto the highway would not give rise to highway safety concerns, as this is the existing arrangement which has operated with no known safety concerns. In conclusion, the LHA considers proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore accords with para.11 of the NPPF and no transport grounds to resist proposal. Suggest a planning condition to secure cycle parking.

Private Sector Housing Officer:

No objection.

On basis of revised plans showing larger en-suite to Bedroom 4, the proposals now accord with the HMO standards. 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.

Tree Officer:

No objection.

Whilst it is regrettable that none of the boundary trees are retained as they make a group impression, none of the trees stand out as being of TPO quality.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:

Inside Built-Up Area Boundary

Prone to groundwater flooding

2km Climping Beach SSSI

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
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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
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

[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 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 comply with relevant Development Plan policies in that it would provide a suitable form of accommodation in a location on the outskirts of Littlehampton town centre in a sustainable location, would not contribute to excessive traffic or parking demands in the area, and would provide an adequate area of open space to serve the future occupants. The proposals would therefore accord with HMO policy H SP4 of the Arun Local Plan.

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.

Other matters of consideration include;

- Impact of extension on the residential and visual amenity of area.
- Drainage.
- Impact on ecology.
- Impact on trees.

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 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 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 an existing single dwelling into a large HMO (6 bedrooms+) to form a 7 bedroom HMO. All bedrooms have their own en-suite bathrooms/shower rooms but not kitchenettes, and would share a communal kitchen/dining room on the ground floor level. Bedroom Units 1 and 5 would also include their own lounges. For the avoidance of doubt, a planning condition is recommended to be imposed to ensure that at no time can each HMO bedroom/unit contain both a kitchen facility and bathroom washing facility and at no time can these HMO bedrooms/units become fully enclosed and self-contained.

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.

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 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 initially proposed 2 car parking spaces on-site and 8 cycle parking spaces on-site. 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 a 7 bedroom HMO this would equate to 3-4 spaces. Two spaces were initially proposed and the LHA commented that any overspill parking would have to be accommodated on-street. They acknowledged that, whilst on-street parking in the area is limited, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highways safety. As such, the LHA confirmed they did not consider the shortfall of 2 spaces would result in detriment to highways safety, but that the Local Planning Authority (LPA) may wish to consider the potential amenity impacts of increased on-street parking. They also recommended a planning condition to secure the 8 cycle parking spaces shown, which would be acceptable cycle parking provision to serve a 7 bedroom HMO.

The proposals have now been revised to include 5 car parking spaces on-site. The LHA have

commented that the revised proposal is a significant improvement over that which was originally proposed and that the provision of 5 car parking spaces meets the WSCC standards for a 7 bed HMO development and the bays are suitably sized. 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, so occupiers would not have to rely on use of a private vehicle. Based on this, and the LHA comments, it is concluded 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 therefore 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.

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 respect of turning on site, based on the initial plans, the LHA commented that on-site turning does not appear achievable, so vehicles may have to exit the site in a reverse gear. However, this is the existing arrangement, so it is not anticipated to result in a highway safety concern. In terms of the revised proposals which include a swept path analysis, the LHA note that it appears that cars may be able to turn on-site using a multi-point manoeuvre. Although as mentioned previously, they do not anticipate that reversing out onto the highway would give rise to a highway safety concern, as this is the existing arrangement which has operated with no known safety concerns.

In conclusion, subject to planning conditions to secure provision of the car and cycle parking spaces and electric vehicle charging points, the proposals would; provide a suitable and safe access, not result in severe harm to the operation and safety of the highways network, provide sufficient parking, would not result in excessive traffic generation or on-street parking demand in the area, and be located in a sustainable location and encourage use of sustainable modes of transport. The proposals would therefore accord with the NPPF, policies T SP1, T DM1 and H SP4(b) of the ALP, the WSCC Parking Standards Guidance (2020) and the ADC Parking SPD (2020).

PROVISION OF OPEN SPACE FOR HMO OCCUPANTS:

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

The proposals include a paved terrace outside space to the rear of the property, leading off the communal kitchen/dining room. This is considered adequate outside open space to serve the occupants of a 7 bed HMO, which 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 proposals accord with criteria (c) of HMO policy H SP4. In addition, it is noted 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.

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 commented as follows:

- Based on single-occupancy rooms, the room measurements, including the kitchen/diner and both lounges, are sufficient and meet the minimum requirements.
- Bedrooms 4 & 5 will become inner rooms, but this has been acknowledged on the proposed plans as alternative means of escapes are provided.
- The en-suite bathroom to bedroom 4 does not appear to be of an adequate size or layout. Bathrooms must be of an appropriate size to provide adequate changing and drying space for the users. The proposed plans show this bathroom to be of the same width as the shower tray which is likely to restrict the movement of the user. For example, the user is likely to collide with the walls on either side when stepping out of the shower and attempting to dry themselves or get dressed. In addition to not meeting the HMO Standards, this is likely to be identified as a hazard under the Housing Health and Safety Rating System (HHSRS).

The HMO Officer also provides general advice in respect of fire safety, ventilation and legislation requirements.

The floor plans have since been amended to increase the size of the en-suite to bedroom 4 and the HMO Officer has confirmed they are satisfied the proposals now accord with the HMO Standards. It is considered the proposals accord with the internal space standards.

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 indicates the provision of some bin storage (2 bins) for rubbish and recycling in the front driveway. It is not clear how big each bin is. However, for a 7 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 an under-provision according to the Site Plan. As such, a planning condition will 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 AND EXTENSION:

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". D DM4 relates to extensions and requires that the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The proposed change of use from a single dwelling to a 7 bedroom HMO (Use Class C3 to HMO sui generis use) may give rise to some increased occupancy and some intensification of the use of the property. However, given the existing size of the dwelling which is a generous detached house with 5 bedrooms capable of accommodating a family of at least 6, there would only likely be a modest increase in occupancy. The use would remain 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 it is not considered that the potential increase in occupancy or intensification of use would 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 proposed extension would replace an existing garage (albeit with slightly bigger footprint), would be single storey, have no side facing windows, and would not give rise to any undue overbearing, overshadowing or overlooking to neighbouring occupants, in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan and the NPPF.

VISUAL IMPACTS OF EXTENSION:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees and crime prevention. ALP policy D DM4 relates to extensions and requires that they sympathetically relate to and are visually integrated with the existing building, and visually subservient to the main building.

Para 124 of the National Planning Policy Framework (NPPF) 2021 states that planning decisions "should support development that makes efficient use of land, taking into account..." amongst other things "(d) the desirability of maintaining an area's prevailing character and setting (including residential gardens)". Para 130 requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment. Para 134 states "Development that is not well designed should be refused".

The proposed extension would replace an existing garage (albeit with slightly bigger footprint), would similarly be single storey, have a flat roof form, and would appear visually subservient in scale to the main building. The proposed materials would be facing brickwork elevations, 3 ply roof covering, and an existing white UPVC window would be re-used on the extension. A planning condition is recommended to ensure the facing brickwork would match that of the host dwelling to ensure a sympathetic appearance and that the extension would sufficiently visually integrate with the existing building. As such, the proposals would accord with the NPPF and policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

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 site is in Flood Zone 1 (lowest risk of flooding), the plot is smaller than 1 hectare and the use would remain residential (with extension of same footprint as existing garage). As such, a Sequential Test, Flood Risk Assessment nor flood mitigation measures are required. The site is not in any other special drainage designation although mapping suggests the area may experience some degree of groundwater flooding.

The proposed extension would have a similar albeit slightly bigger footprint than the existing garage. The Site Plan shows the removal of some grassed areas to accommodate the new parking bays and driveway areas but indicates that this would be replaced with permeable tarmac. In addition, the Site Plan indicates that the existing tarmac driveway will be replaced with new permeable tarmac, which would provide an uplift on overall permeability on site. As such, the proposals incorporate SUDs, would be adequately drained, and accord with policy W DM3 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. In order to accord with the Environment Act, NPPF and ALP policy ENV DM5 a planning condition is recommended to secure a Biodiversity Net Gain Plan to show proposed measures e.g. inclusion of bird boxes, wildflower planting etc.

TREES:

ALP policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or that contribute to local amenity.

There are a group of trees (magnolia, fruit trees and shrubs etc.) on the boundaries and around the frontage of the site. The proposed Site Plan shows the removal of all these trees to facilitate the new hardstanding and car parking spaces. The Council's Tree Officer has been consulted and confirmed that, whilst it is regrettable that none of the boundary trees are retained as they make a group impression, none of the trees stand out as being of TPO quality. Given this, that the trees have limited local amenity value, and that the site is not in a Conservation Area, it is concluded that the loss of these trees is acceptable on balance, in accordance with policy ENV DM4 of the Arun Local Plan.

SUMMARY:

The proposed use of the property as a 7 bedroom HMO represents an efficient use of the land/building in a sustainable location within the Built-Up Area Boundary. The proposals would also, 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 parking, open space and internal space for future occupants, waste storage provision, and Biodiversity Net Gain. The proposals therefore accord with the relevant policies in the Development Plan and the NPPF.

The application is accordingly recommended for approval, subject to the following conditions;

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 Liable as it is a House in Multiple Occupation, therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Proposed Ground and First Floor Plans (2350-P-02 Rev G)
- Proposed Elevations (2350-P-05 Rev G)
- Proposed Site Plan (2350-P-04 Rev D)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies H SP4, D SP1, D DM1, QE SP1, T SP1 and T DM1 of the Arun Local Plan.

- 2 The HMO bedrooms shall not at any time include both an en-suite washing facility and a kitchen facility and shall not at any time be fully enclosed to form self-contained residential units. The layout shall accord with the plans approved under this application and shall be retained strictly as such thereafter.

Reason: To ensure that no part of the property becomes self-contained thus failing to comply with internal and external space and amenity standards for self-contained residential dwellings. To ensure compliance with policy H SP4 and D DM2 of the Arun Local Plan.

- 3 The materials and finishes of the external walls of the single storey side extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

- 4 Prior to first occupation of the development hereby permitted, the provision of 1 x 240l capacity for refuse and 1 x 240l capacity for recycling waste storage shall be made for each HMO bedroom. This waste storage provision shall be enclosed within a dustbin storage enclosure, the details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation. The waste storage provision and dustbin enclosure shall be retained for this purpose only thereafter.

Reason: To ensure adequate waste storage provision for future occupants of the HMO and to protect local residential amenity from rubbish nuisance, in accordance with policies H SP4 and WM DM1 of the Arun Local Plan.

- 5 Prior to first occupation of the development hereby permitted, the 5 on-site car parking spaces shall be constructed in accordance with the approved Site Plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure adequate vehicle parking provision on site for future occupants of the HMO and to protect the local area from excessive on-street parking demand, in accordance with policies H SP4, T SP1 and T DM1 of the Arun Local Plan, the West Sussex County Council Parking Guidance SPD (2020) and the Arun District Council Parking SPD (2020).

- 6 Prior to first occupation of the development hereby permitted, the 8 on-site covered and secure cycle parking spaces shall be installed in accordance with the approved Site Plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure adequate cycle parking provision on site for future occupants of the HMO and to provide alternative sustainable travel options to the use of the car, in accordance with policies T SP1 and T DM1 of the Arun Local Plan, the West Sussex County Council Parking Guidance SPD (2020) and the Arun District Council Parking SPD (2020).

- 7 Prior to first occupation of the development hereby permitted, the required electric vehicle charging spaces (100% of all vehicle parking spaces) must be provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These spaces and charging facilities shall thereafter be retained and maintained in good working order at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including the National Planning Policy Framework, and policies T SP1 and T DM1 of the Arun Local Plan, and to improve air quality in accordance with policy QE DM3 of the Arun Local Plan.

- 8 No construction activities shall take place other than from 08:00 hours until 18:00 hours

(Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 9 Prior to first occupation of the development hereby approved, a Biodiversity Net Gain Plan (setting out the proposed biodiversity enhancement measures to ensure Biodiversity Net Gain on site) shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall be installed prior to first occupation.

Reason: To ensure the proposals result in a net gain in biodiversity, in accordance with the Environment Act, the National Planning Policy Framework and policy ENV DM5 of the Arun Local Plan.

- 10 INFORMATIVE: This property will, when occupied, become a House in Multiple Occupation and will need to comply with the relevant fire safety and fitness for occupation standards under current Housing Acts. The premises will also require a HMO Licence. The applicant is advised to contact the Council's Environmental Health department for further information.

- 11 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

LU/315/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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