# Development Management - Delegated Officer Report

**Application Number: AWDM/2194/21 Recommendation – APPROVE**

**Site: 6 Tottington Way, Shoreham-By-Sea**

**Proposal: Change of Use from C4 Class 6 bedroom HMO to 7 bedroom sui Generis HMO. Application to remove condition 4 of Approved AWDM/1789/16. This permission shall inure solely for the benefit of Alison Carriban.**

**Date of site visit: No visit**

**Neighbours checked: Y**

**Additional neighbour notifications: N**

**Proposal, Site and Surroundings**

The application site is a detached bungalow to the north east side of Tottington Way in north Shoreham. Consent was granted in 2016 under AWDM/1789/16 for the property to be used as a 7 bedroom HMO. This had a personal condition linking the consent for the benefit of Alison Carriban and not the land. Condition 4 is copied below and the current application seeks to remove this condition.

This permission shall inure solely for the benefit of Alison Carriban (or any other body or person as agreed in writing by the Local Planning Authority) in both its implementation and the use of the premises thereafter and shall not inure for the benefit of the land.

Reason: The acceptability of the amenity impact of the proposal is closely linked with the experience and competence of the operator and another operator may give rise to unacceptable impacts having regard to saved policies AG1 and AH2 of the Adur District Local Plan.

**Consultations**

**West Sussex County Council: The Highways Authority -** The Highways Authority was consulted in relation to AWDM/1789/16 and raised no highway concerns. Condition 4 was not requested for highway reasons. The site has an existing established use under AWDM/1789/16. It would be difficult to substantiate that a different occupier would create significantly more trips or parking demand than the person named in Condition 4. As such no highway safety or capacity concerns would be raised to the removal of condition 4 of AWDM/1789/16.

**Adur and Worthing Councils: Environmental Health - Private Sector Housing -** No objection on PSH grounds. In the event that ownership of the property changes and the property continues to be an HMO a new HMO licence application will be required.

**Representations**

2 representations have been made from the owner/occupiers of nos. 2 and 4 Tottington Way. Making the following points: -

- Insufficient refuse capacity
- Rubbish on road, obstruction and attracting vermin.
- Insufficient parking provision.
- Removal of hedge between properties.
- Impact of noise and foul language, disturbance
- Anti social behaviour.

**Relevant Planning Policies**

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

**Planning Assessment**

**Assessment**

Consent currently exists for the use of the property as a 7 bedroom HMO. Consideration here is given only to the removal of the personal condition linking the permitted use to an specific operator. The reasons given for the condition when granting the original consent was to ensure the management of the premises is controlled in the future.

When considering the previous consent it was noted that the property appears to be well managed and that the property has more than adequate facilities to a higher standard than required. There is also ample off street and on street parking available.

There have been some concerns expressed by neighbouring occupiers and advice has been given to the applicant to request that the matter of refuse storage and parking be improved and addressed. However there is no justification in this case to retain the personal condition. A license is required to ensure the HMO is managed in line with such regulations. This is not linked to a single person; it is required by any operator.

It is therefore considered that consent can be granted to remove the personal condition in this case.

The applicant has been advised of the concerns relating to parking, refuse and anti-social behaviour and requested that they address these issues with the tenants.

**Recommendation**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans
2. Cycle storage

**Is recommendation contrary to letter(s) of representation? Y**

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.

Case Officer: Hannah Barker Date: 11th January 2022

Authorised by: Peter Barnett Date: 11 January 2022