

Recommendation Report for Planning Permission

REF NO: **AW/166/17/PL**

LOCATION: Swan Guest House
 17 Nyewood Lane
 Aldwick

PROPOSAL: Change of use from bed & breakfast (C1 Hotel) to C2 Residential Institution.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Use to be changed to C2 use, in this instance a Residential Family Assessment Centre for intensive family support. The use offers 24 hour, 7 day a week support and care for young families. The use can accommodate 6 families and they are not permitted to bring a motorised vehicle for their stay at the house.

The use would be staffed 24 hours a day 7 days a week 365 days a week.

SITE AREA

0.03 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m wall to rear boundary and side behind property. 1.8m fence to sides in front of property.

SITE CHARACTERISTICS

Detached two storey dwelling with parking to front and garden to rear.

CHARACTER OF LOCALITY

Seaside residential, near to shops with some tourist uses. Properties vary from blocks of flats to two storey detached dwellings.

RELEVANT SITE HISTORY

AW/15/91	Change of use from Guest House to Rest Home	ApproveConditionally 18-03-1991
BR/20/50/B	Conversion of garage to bedroom	Approve 01-04-1963
BR/245/81	Construction of two dormer windows	ApproveConditionally

		15-04-1981
BR/303/81	Change of use from dwelling house to boarding house regularisation of existing use	ApproveConditionally 22-04-1981
BR/1044/81	Extension to provide dining & day room	ApproveConditionally 02-12-1981

Permission granted for change of use to residential care home (C2) in 1991. It is not known if this was implemented and the current use of the building is as a bed and breakfast.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members opposed the application on the grounds that the change of use would be detrimental to the amenities of adjoining properties and would give rise to material change in the character of the neighbourhood or the street scene and that there would be insufficient parking. Members further considered that insufficient information was given regarding the precise nature of the change of use.

Therefore, Members considered that the application was in direct conflict with Policy Dev 20 (i) and (ii) of the Arun District Local Plan 2003.

One letter of public representation received stating:

"I support this change of use to a residential home to help support & train young families at a critical time in their lives. Working, in conjunction with other social agencies, support & training will ensure youngsters will have a good start under expert supervision & care.

This facility will be a first for West Sussex and will a gap in the social care on offer. The home is on a street which contains buildings of varied use, i.e. retail, business, hotels & care homes so will easily blend into the character of the area."

Comments on Representations received:

Comments noted.

The officer does not agree that the change of use would result in a detrimental impact on neighbouring residential dwellings. The use as a residential institution would have a similar impact to the use as a guest house. Any additional noise and disturbance impacts are not considered to result in a significant higher and intense impact on residential amenities over and above the current use. Policy DEV20 is not a saved policy so can be afforded no weight.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
Environmental Health
Economic Regeneration
Estates Manager

Consultations responses received:

Economic Development

As a seaside resort it is critical that a supply of quality accommodation is maintained. Policy TOU SP1 of the emerging local plan identifies the importance of tourism and states that the outcome of the policy is for "Attraction, retention and improvement of visitor attractions, facilities and accommodation."

The previous business was run successfully for many years as a good quality 4 star establishment and, whilst we acknowledge the proposed new use, we would be concerned at the loss of such a facility.

Southern Water

Please attach standard informatives.

Environmental Health

No comments to make.

Environmental Health- Private Sector Housing

Licensing

- The property is 3 storey with 5 or more people sharing facilities therefore the owners will require a license from the Council and the property must meet minimum standards.

Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document -
"Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2

Hazards;

- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016);

Estates Surveyor

I am unable to accept the attached replies as sufficient evidence of an adequate and sufficient marketing campaign by the existing owners. The fact that they purchased the property in the knowledge that the previous owner had closed down the business as a Guest House is immaterial to their current application. It is for them having taken the property on to demonstrate

it is no longer viable by showing accounts and the fact that they have made serious attempts to re-market the property as a guest house with an appropriate Commercial Business Agent, with advertising in the specialist trade journals for at least six months.

Second comment:

If the applicants are unwilling to provide more information as required by the questionnaire I sent to you, then I am unable to ascertain that there has been a thorough marketing campaign. The accounts they have sent in show an increasing profit over three years. Their claim for mileage expenses at £1,600 pa seems high and does not vary year on year. In short without more information as to how the property was marketed I am unable to form an opinion.

Comments on Consultation responses:

Comments noted.

Economic Development's comments are noted but it is not considered that the loss of this small bed and breakfast would outweigh the benefits to the local community of the proposed Residential Assessment Centre.

Private sector housing comments will be included as an informative.

It is noted that whilst the Estates Surveyor hasn't been able to provide an opinion, they have not objected to the proposal.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV36
GEN2
GEN7
GEN32

[Publication Version of the Local Plan \(October 2014\):](#)

Change of Use of Hotel and Guest House
Accommodation
Built-up Area Boundary
The Form of New Development
Noise Pollution
QE DM1 Noise Pollution
D DM1 Aspects of Form and Design
Quality
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
TOU DM1 Tourism Related Development
TOU SP1 Sustainable tourism and the
visitor economy

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD10 Aldwick Parish Design Statement

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Aldwick Parish does not have a made NDP but does have an adopted Parish Design Statement which is a material consideration.

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 con with relevant Development Plan policies in that it would lead to a loss of guest house/hotel accommodation contrary to policy DEV36.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan.

Given the saved policy DEV36 forms part of a Development Plan which is out of date, only limited weight can be given to this policy. As such, the Council must considered paragraph 14 of the NPPF which states:-

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Therefore, given the proposed family support use of the property sought under this application (within use class C2) is to be of benefit to the local community; it is not considered that the loss of the C1 use would have adverse impacts that would significantly and demonstrably outweigh the benefits of granting the proposed use when assessed against other policies of the National Planning Policy Framework.

CONCLUSIONS

PRINCIPLE OF USE

The principle of the change of use to a "Residential Family Assessment Centre" within use class C2 is considered to be acceptable. Although saved policy DEV36 seeks to retain guesthouse and hotel accommodation; the benefits of the proposal use, on balance are considered to outweigh

the adverse impacts of the loss of the tourist use. Furthermore, it is considered that the weight that is able to be given to DEV36 is limited is out of date. Thus paragraph 14 of the NPPF must be considered which in this instance would require the Council to grant permission.

It is considered necessary and reasonable to impose a condition limiting the use to that of a 'Residential Family Assessment Centre'. Use class C2 is broad and covers various uses. As such, should the applied for use cease the site could be used for a vast array of uses within the C2 use, some of which the Council would not consider to be of benefit to the area when compared to the use as a 'Residential Assessment Centre'.

DESIGN AND VISUAL AMENITY

No external changes are proposed under this application.

RESIDENTIAL AMENITY

The use as a C2 Residential Family Assessment Centre is not considered to create a significantly different impact in terms of noise and disturbance to the current use as a C1 Bed and Breakfast. Environmental Health have not objected to the application on the grounds of noise and disturbance. No external physical changes to the site have been applied for. Therefore, there is not considered to be a detrimental impact on residential amenity in compliance with saved policy GEN7 of the Arun District Local Plan.

PARKING

It is noted that residents at the centre will not be permitted to bring a motorised vehicle to the site by the applicant. It is not considered necessary to ensure this by condition. The potential parking demand is not considered to be significantly higher for the proposed C2 use as compared with the current use as a bed and breakfast.

The application is recommended for conditional approval and is considered to comply with saved policies GEN2, GEN7, GEN32 of the Arun District Local Plan 2003, the National Planning Policy Framework and the Aldwick Parish Design Statement.

HUMAN RIGHTS ACT

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, and maternity).

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

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:

TQRQM17187135535356

TQRQM17153135838134

Floor Plans

Ambient House Limited, Statement of Purpose, Aims and Objectives

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The building shall be used as a Residential Assessment Centre as described in 'Ambient House Limited, Statement of Purpose, Aims and Objectives, and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 ENVIRONMENTAL HEALTH INFORMATIVE:

Licensing

- The property is 3 storey with 5 or more people sharing facilities. A license is required from Arun District Council, the property must meet minimum standards.

Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

General

- The development must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;
- and meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016);

- 5 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.