

Recommendation Report for Planning Permission

REF NO: AW/240/20/PL

LOCATION: 17 Nyewood Lane
Aldwick
PO21 2QB

PROPOSAL: Change of use of former residential parenting unit (C2 Residential Institution) to 8 bed House in Multiple Occupation (C4 Sui Generis). This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of former residential parenting unit (C2 Residential Institution) to 8 room 8 bed House in Multiple Occupation (Sui Generis). The HMO will consist of two bedrooms on the ground floor, five (one of them en suite) on the first and one en suite in the roof space. There are two bathrooms proposed on the first floor and a shared kitchen and dining area with a utility room and a hall on the ground floor.
	Parking for three cars along with bin storage to the front and secured parking for 8 bicycles to the rear.
SITE AREA	210 square metres
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	1.8m high wall to rear boundary and side behind property. 1.8m high timber panel fence to sides in front of property. Open to the front.
SITE CHARACTERISTICS	Detached two storey building with bay window to the front running over both storeys and hipped roof above, two storey side extension to the south characterized by flat roof and one flat roofed dormer window on each side of the main hipped roof. Hardstanding with parking to front with a strip of landscaped area along northern shared boundary; small garden (hardstanding) to the rear.
CHARACTER OF LOCALITY	Seaside residential with some tourist uses to the west of Bognor Regis town centre. Properties vary from blocks of flats along Marine Park Gardens to two storey detached dwellings of a similar style and character and commercial premises to the north on the junction with Aldwick Road.

RELEVANT SITE HISTORY

AW/151/20/PL	Change of use of former residential parenting unit (C2	Withdrawn
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Residential Institution) to 9 bed House in Multiple Occupation (Sui Generis). .

14-09-20

AW/166/17/PL	Change of use from bed & breakfast (C1 Hotel) to C2 Residential Institution.	ApproveConditionally 11-09-17
AW/15/91	Change of use from Guest House to Rest Home	ApproveConditionally 18-03-91

Under AW/166/17/PL the use of proposal property was changed from bed & breakfast (C1 Hotel) to C2 Residential Institution; a Residential Family Assessment Centre for intensive family support.

REPRESENTATIONS

Bognor Regis Town Council - objection.

- Insufficient information supplied with this application following a previous withdrawn application.
- Although rooms appear to meet size criteria for double occupancy no indication of whether the rooms are single or double in nature and the the number of occupants remains unknowable.
- Rudimentary plans make it impossible accurately to gauge dimensions of rooms rather than the overall area.
- Insufficient provision of bathrooms/shower room.
- A further HMO would upset a balance of a mixture of houses and flats which maintain the nature and character of the area which is already threatened because of other proposed developments.
- This building occupies a sensitive site because of the proximity to the sea and local parks, a restaurant, a busy public house and local nursing homes and shops. Parking requirements are not just for residents, but for visitors to the town.
- This number of dwellings would put further demand on scarce parking in this area.
- There is a missed opportunity for the provision of an electric charging point.
- Strongly oppose application as the change of use would be detrimental to the amenities of adjoining properties contributing to generation of excessive parking demands contravening Policy H SP4.
- Insufficient information was given regarding the precise sizes of rooms and the safety facilities.
- Regret missed opportunity to provide visitor accommodation/high quality single dwelling.

4 letters of representations:

- How can application be considered having been submitted without professional drawings?
- BR/141/18/PL was approved has been objected to for lack of provision parking and outdoor space provision and occupants now play football on the drive of the property.
- Both these issues are relevant for the proposal; there is a little provision for onsite parking.
- Cars are frequently parked along Nyewood Lane on both sides thus reducing the carriageway to almost single file traffic at pinch points, causing delays to road users, additional pollution and significant danger to both road users and pedestrians due to the restricted visibility.
- The proposal fails to provide sufficient outdoor space for the number of intended residents.
- The proliferation of HMO's in Bognor Regis in general 'can lead to substantial changes and problems in the nature of particular locations as the social infrastructure of a neighbourhood can change.'

- There are 99 registered HMO's in Bognor Regis and 35 in Littlehampton, a ratio of 2.83 / 1.
- The company submitting application state they have experience in managing HMO's but accounts to not support this.
- 17 Nyewood Lane is a small house on a very small plot. The proposal is for eight bedrooms on its own the proposal is too dense and in context of the character of the area.
- Increased pressure on on-street car parking.
- The plans do not show fire escape other than the internal staircase (wooden?). External fire escape would have to be at the rear and be intrusive for the properties along Wessex Avenue.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect of the Town Council comments:

- The provided information/drawings are sufficient for assessing the development.
- The applicant confirmed the HMO is for 8 persons accommodated in 8 rooms.
- Provision of an electric charging point will be a subject to the condition.
- WSCC, the LHA raises no concerns over the Vehicle Parking.

In respect of the local resident objections:

- The drawings are to scale and of a reasonable quality.
- The previous use was for a Residential Family Assessment Centre, accommodating 6 families as such the proposed would not be an intensification of use.
- WSCC commented: ' In principle, the existing C2 use could generate vehicular trips of a similar quantity to that of the proposed 8 bed dwelling. The Local Highways Authority (LHA) therefore accepts that the proposed will not result in a material intensification of use of the existing access track or access point onto the maintained highway network at Nyewood Lane.'
- Fire Safety is addressed in Comments from Private Sector Housing.
- Other issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

PRIVATE SECTOR HOUSING: No objection. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

WSCC HIGHWAYS: Does not consider proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Class C Road; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HSP4	H SP4 Houses in multiple occupation
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
SPD11	Arun Parking Standards 2020

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no policies contained within the Bognor Regis Neighbourhood Plan that implicate upon the determination of this 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 TCPA 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,
 - (b) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (c) any local finance considerations, so far as material to the application, and
 - (d) any other material considerations.

The proposal is considered to comply with relevant Development Plan policies as the mitigation

measures put forward by the applicant mean that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact upon the character of the surrounding area.

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 are principle, design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as change of use, visual/residential amenity, highway safety and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan 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."

The NPPF supports the effective and efficient use of land for sites in the built up area but also advises that new development should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Para 118 (d) of the National Planning Policy Framework (NPPF) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings".

The proposal is acceptable in principle given its location in a sustainable location within a short walk from a local shopping parade.

Since the proposal is for a change use from C2 to Sui Generis HMO the proposal should be assessed against the Arun Local Plan policy H SP4.

Policy H SP4 (ALP) states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive and mixed communities and meeting the detailed criteria:

- 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.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

There are no changes to the external appearance of the building and it is only relevant to consider the impact of the HMO on the established character of the area. The area is mixed with residential properties on the east side of Nyewood Lane and a parade of shops opposite, further shops and dwellings on Aldwick Road and then dwellings on the remainder of Nyewood Lane. There are flats above shops on the junction with Aldwick Road. There are purpose built flats on Nyewood Lane and along Marine Park Gardens, to the immediate north a guesthouse and HMO at No 26 Nyewood Lane opposite. It is not considered a multiple occupancy dwelling would be out of character in this mixed location.

Paragraph 12.5.5 of the Local Plan (HMO) also makes clear that 'larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation.'

The proposed refuse storage for this application is shown on the submitted plans. Given the lawful use of the site as C2 the proposed development would unlikely generate higher levels of waste.

It is considered the proposal complies with Arun Local Plan policies D DM1, D SP1 & H SP4 (a) and with the guidance on character within the NPPF.

Criteria (c) and (d) of policy H SP4 will be analysed elsewhere in this report.

RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Proposal will need to be supported by:

- a. Evidence to demonstrate that there are no suitable locations alternative;
- b. A noise report; and
- c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity.

17 Nyewood Lane has an C2 use which allows accommodation of 6 families (at least 12 people) and the proposed use would not be an intensification. C2 class use allows the building could, without an application, be used for a variety of residential institutional purposes, including hospitals, nursing homes, residential schools, colleges and training centres which can be a source of the noise.

The use remains residential and will therefore have similar characteristics to residential properties in the locality. Therefore the noise report and evidence in this case is not required given the nature of the proposed development which would result in a reduction of residents. It is considered that the proposed use will not adversely affect the residential amenity of the area in respect of noise pollution to a greater degree that a C2 use may do.

The only changes are small internal changes in room type, therefore there would not be any new overlooking impacts that would occur.

It is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

HIGHWAYS, TRAFFIC AND PARKING

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f) (iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles. Policy H SP4(b) makes clear the provision of HMOs should not contribute to the generation of excessive parking demands or traffic in the area.

Para 108 of the NPPF states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para 109 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.

The Arun Parking Standards 2020 have no specific category for HMO use but at Table 3.1 shows the Expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1

bed unit with one to 3 habitable rooms.

The applicant demonstrates an existing vehicular parking provision of 3 car parking spaces to the front of the property and proposed secure and covered cycle parking facilities for 8 bicycles to the rear which would help promote the use of sustainable alternative modes of transport to the private car.

The 3 parking spaces as shown satisfy the requirement of the Arun Parking Standards, however WSCC state that inspection of the plan shows the hardstanding (6.7m x 7m) is only large enough to accommodate 2 parking spaces. WSCC local mapping shows there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. WSCC do not consider that reduction of 1 parking space detrimentally affects highway safety.

The existing access benefits from adequate visibility splays (2.4m x 43m) wholly in the public highway. WSCC observe: 'In principle, the existing C2 use could generate vehicular trips of a similar quantity to that of the proposed 8 bed dwelling. The Local Highways Authority (LHA) therefore accepts that the proposed will not result in a material intensification of use of the existing access track or access point onto the maintained highway network at Nyewood Lane.'

WSCC Highways does not consider this proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

The development complies with policy TP1 of the Arun Local Plan and with criterion (b) of Policy H SP4 of the Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS

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 a licence from the Council. The room size requirements forming part of the license process are as follows:

- (1) 6.5m² for a single bedroom where a lounge and kitchen or adequately sized kitchen diner is shared.
- (2) 10m² for a single bedroom where a kitchen is shared without a shared lounge.
- (3) 10.5m² for a double bedroom where a lounge or dining room or adequately sized kitchen diner is shared.
- (4) 12m² for a double bedroom where a kitchen is shared without a shared lounge area.
- (5) 13m² for a one roomed unit with kitchen facilities for a single person.

In the case of this application, all of the rooms comply with the smallest bedroom, 7.7m² and the largest 20.3m².

It is considered that the proposal complies with the relevant internal and external standards.

PROVISION OF OPEN SPACE

Policy HSP4, criterion c. requires provision of adequate areas of open spaces.

There is a shallow garden to the rear. The property provides a generous kitchen/dining area of 40 sqm and there is an easy access to public open spaces like Marine Park Gardens and West Park in a distance of 100m and 480m respectively. The sea shore is approximately 150m away.

On the basis of the above, the development complies with Policy H SP4(c) of the Local Plan.

CONCLUSION

The conversion of this property represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal is considered to be sustainable development and complies with development plan policies. The recommendation to approve is made 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.

SECTION 106 DETAILS

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

CIL DETAILS

This application does not propose any increase in floor space and would therefore not be subject to Arun District Council's Community Infrastructure Levy.

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, 1:1250
Block Plan, 1:500
Ground Floor Plan, 1:50
First Floor Plan, 1:50
Top Floor Plan, 1:50
The Details submitted with respect to Bin Storage
The details submitted with respect to Cycle Storage

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The use hereby approved shall be for the benefit of a maximum of eight occupants only.

REASON: To protect the amenities of the locality and adjoining property in accordance with Policy D DM1 and H SP4 of the Arun District Local Plan.
- 4 No part of the development shall be first occupied until dustbin storage as shown on the approved plans has been provided. The storage as approved shall be made available prior to occupation and retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.
- 5 No part of the development shall be first occupied until secure cycle parking as shown on the approved plans has been provided. The cycle parking shall be retained unless otherwise agreed by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 and T SP1 of the Arun Local Plan.
- 6 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 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.