

Recommendation Report for Planning Permission

REF NO: AW/7/26/PL

LOCATION: Sea Crest Hotel
19 Nyewood Lane
Aldwick
PO21 2QB

PROPOSAL: Change of use from existing guest house with ancillary private accommodation back to a single private dwellinghouse (Use Class C3), with no external or internal alterations. This application is in CIL Zone 4 and may be CIL Liable.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks a change of use from a guest house with ancillary private accommodation back to a single private dwellinghouse (Use Class C3), with no external or internal alterations.
SITE CHARACTERISTICS	The site is a detached two storey property with an existing single storey rear extension.
CHARACTER OF LOCALITY	The site is in a residential area. There are some retail uses within close proximity of the site associated with shopping parades on Aldwick Road.

RELEVANT SITE HISTORY

AW/232/19/OUT	Outline application with all matters reserved for demolition of 19 & 21 Nyewood Lane & erection of up to 20 No 1bed & 3 No 2bed flats.	Refused 13-01-20 Appeal: Dismissed 10-11-20
AW/78/95	Extension of existing vehicular access to provide driveway access for one additional car space	ApproveConditionally 26-07-95
AW/148/94	New conservatory to residential accommodation at the rear of existing private hotel, for proprietor's use only.	ApproveConditionally 06-12-94
AW/150/91	Renewal of unimplemented permission AW/191/86 for Change of Use from guest house/hotel to residential nursing home.	ApproveConditionally 14-10-91

AW/151/90

Extension and alterations to provide a ground floor
bedroom suitable for elderly or disabled paying guests

ApproveConditionally
24-10-90

Planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No objection.

No representations were received from neighbouring occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection.

ECONOMIC REGENERATION - Objection

- The proposal results in the loss of holiday accommodation.
- We would expect to see a viability assessment if the business is no longer viable.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Flood Zone 3

Future Flood Zone 3 (2027-2125)

Pagham harbour Zone B

2km Buffer for SSSI

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
DDM1	D DM1 Aspects of form and design quality
WDM2	W DM2 Flood Risk
ENVDM2	ENV DM2 Pagham Harbour

PLANNING POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in terms of the impact on the character of the area and neighbouring occupiers, but conflicts with policy TOU DM1 due to the loss of tourist accommodation.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan which are discussed below.

CONCLUSIONS

PRINCIPLE

The application seeks to change the use from a guest house (use class C1) to residential use (use class C3). The proposal is acceptable in principle, subject to compliance with the relevant development plan policies.

LOSS OF VISITOR ACCOMMODATION

ALP policy TOU DM1 states that existing visitor attractions, facilities and accommodation will not be granted planning permission for a change of use that leads to the loss of a visitor offer unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. The application seeks to change the use to a single dwelling house in C3 use. The present owner has lived at the property since 1980, but the main use of the property was as a guest house. The application would result in a loss of visitor accommodation, and the Council's Economic Development team have objected on this basis. A statement has been provided which outlines that the owner has retired and stopped running the guest house, and wishes to continue living at the property.

The guest house ceased to operate at the end of 2023. Given that the guest house ceased operating at least two years ago, although the change of use would nominally result in a loss of tourist accommodation, there would not be any change to the position that has existed for the past two years when compared to the current situation. Given the applicant's personal situation, there does not appear to be any prospect of the guest house use resuming. However, the proposed change of use does result in the loss of tourist accommodation, and is contrary to ALP policy TOU DM1.

CHARACTER AND VISUAL AMENITY

The site is a two storey detached property located within an area which is largely residential, and the use of the property as a single dwellinghouse would not result in harm to the character of the area.

No external alterations to the property are proposed as part of the application, and the proposals will not harm the character or visual amenity of the area, in accordance with ALP policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The use of the property as a single dwellinghouse, rather than as a guest house is likely to result in an overall reduction in occupants, vehicular movements and comings and goings. The change of use would not result in any harm to neighbouring residential amenity, and is in accordance with D DM4.

FLOOD RISK

There is a small area to the front of the site which is in Flood Zone 3, and EA mapping shows that the site as a whole is likely to lie within Flood Zone 3 by 2070-2125 due to the impacts of climate change. A flood risk assessment (FRA) has been submitted with this application, however, the FRA does not identify that the site is within a future flood zone, and therefore does not assess the impact of this.

The proposed change of use does not alter the vulnerability of the use according to NPPF Annexe 3. In this instance, the change of use is acceptable, in that the proposals would not result in an increase in vulnerability or flood risk. The proposal is in accordance with ALP policy W DM2 and the NPPF.

ECOLOGY

ALP policy ENV DM2 requires residential developments within 400m to 5km distance ('Zone B') of Pagham Harbour to make a financial contribution towards the provision of accessible natural open green spaces to serve the area. The application does not result in the creation of new residential units, and the change of use is likely to result in less visitor pressure on Pagham Harbour Special Protection Area than the current use. On this basis, there is no conflict with ALP policy ENV DM2.

SUMMARY

The proposed change of use conflicts with ALP policy TOU DM1, but complies with other relevant development plan policies. As a result of the loss of tourist accommodation, the proposal provides a single unit of permanent residential accommodation in C3 use. There are therefore benefits to the proposal in terms of the increased housing provision. Given that the Council cannot demonstrate a 5 year Housing Land Supply (HLS), the provision of a housing unit is given additional weight. Although the proposal is technically in conflict with ALP policy TOU DM1, given that the use of the property as a guest house ceased at the end of 2023, the harm arising from this conflict is not so great as to warrant a refusal of planning permission. The proposal also has some benefit in terms of the provision of a single dwelling. The application is therefore recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

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

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

CIL DETAILS

This application is not CIL liable.

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 01
- Block Plan 02
- Ground and First Floor Plans 03
- Second Floor Plan 04

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

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

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

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

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.