

Recommendation Report for Planning Permission

REF NO: BR/107/17/PL

LOCATION: Squirrels Bungalow
192 Hawthorn Road
Bognor Regis

PROPOSAL: Change of use of HMO (C4 Houses in multiple occupation) to 2 No. dwellings (C3 Dwellinghouses).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. Both flats will have a single bedroom together with kitchen, lounge and bathroom. One will be accessed from the front and one from the rear. External changes consist of new front door, blocking up of existing front door, blocking up of side (NW) window and new door to replace window on the rear elevation.

SITE AREA

1,575 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A.

TOPOGRAPHY

Predominantly flat but slight slope up from the road.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

- * 1m high close boarded fence to the road;
- * No south east side boundary;
- * Hedge to 196 Hawthorn Road; and
- * 1.8-2m high close boarded fence to Pevensey Road houses.

SITE CHARACTERISTICS

Existing single storey orange brick bungalow with concrete roof tiles. Small fenced front garden. Grassed area to the rear open to the wider Aldingbourne Trust site. The whole site contains 5-6 off-street parking spaces plus 2 garages and other turning/hardstanding areas. On-street parking is also available.

CHARACTER OF LOCALITY

Predominantly residential area but Sports Ground opposite. Predominantly two storey dwellings. No. 196 Hawthorn Road is a bungalow but with attic level accommodation.

RELEVANT SITE HISTORY

The planning history is extensive but it is unclear as to which planning permission consented the building/HMO use. However, there has been no applications on the Aldingbourne Trust site since 2004 and therefore the previous planning history is not considered to be relevant.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"No objection".

Comments on Representations received:

Noted

CONSULTATIONS

Environmental Health

Consultations responses received:

ADC ENVIRONMENTAL HEALTH: No objection:

"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"

- A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from the bedroom in Unit 1 is via the Living/kitchen, this can be overcome by ensuring that the window in the bedroom is an escape window and adequate fire protection within the flat.

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"

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

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

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA13](#)

[GEN2](#)

[GEN7](#)

[GEN12](#)

Sites of International Importance for Nature
Conservation

Built-up Area Boundary

The Form of New Development

Parking in New Development

D DM1 Aspects of Form and Design
Quality

D DM3 External Space Standards

D DM2 Internal Space Standards

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

D SP1 Design
ECC SP2 Energy and climate change
mitigation
OSR DM1 Open Space, Sport and
Recreation
H DM1 Housing Mix
SD SP2 Built-Up Area Boundary
ENV DM2 Pagham Harbour
SD SP1 Sustainable Development
T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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).

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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 that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site falls within an urban and residential area. It is defined as being part of the built up area boundary area and as such is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is also noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

NPPF TEST OF SUSTANABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Environmental Role -

The site is in a sustainable urban location and is within walking distance of various local amenities including shops, schools and public houses. These walking routes also use adopted street pavements which are predominantly flat and have street lighting. It is therefore considered the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. This environmental factor weigh in the scheme's favour.

Economic Role -

It is considered the proposal will result in a localised economic benefits through the need to employ people to carry out the conversion works. This economic factor weighs in the scheme's favour.

Social Role -

The proposed conversion is required by the Aldingbourne Trust to enable the existing supported tenants to live as independently as possible. The existing tenants have learning difficulties. There is therefore a significant social benefit from the proposal and this weighs in the scheme's favour.

Assessment -

It is considered the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development.

DESIGN AND CHARACTER:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted.

The proposed change of use results in only minor fenestration changes and both these and the new use will not alter the character of the building particularly given its setting within this Aldingbourne Trust site.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties.

The only proposed new openings are new doors at front and rear. These are at ground floor level and do not directly face any existing residential properties. There is existing boundary screening to those houses to the south and south west to protect the privacy of their gardens. Environmental Health officers have not raised any concerns as to how the arrangement of rooms in the two flats relate to each other.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The following is a list of the requirements versus the actual measured internal space for each of the flats:

Flat - No. of beds - Required Floor Space - Actual Floor Space

1	1	39m2	39.9m2
2	1	39m2	32.1m2

Flat 2 is therefore short of the required standard. However, this is considered acceptable in this case as the flats are not intended for sale or rent on the open market and a planning condition will be applied to make the planning permission personal to the Aldingbourne Trust.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes and subject to testing at appeal. The Policy states that 1 bed flats should have 4 square metres of private amenity space and that this should ideally take the form of either private garden, patio, balcony or roof garden.

Neither flat has access to any private space as the garden to the front is only screened by a low fence whilst the grass to the rear is open to the wider Aldingbourne Trust site. Again, this is

considered to be acceptable on the basis of the use being solely for Aldingbourne Trust tenants. Furthermore, the situation is the same as per the current HMO use.

PARKING:

The West Sussex County Council Car Parking Demand Calculator advises that in this location the likely parking demand for 2 x one bedroom flats would be 2 spaces (1 each). The property does not benefit from any allocated parking spaces but there are existing parking spaces within the wider site which are presumably shared amongst those occupiers able to drive and staff members. This situation is also the same as with the current HMO use. Furthermore, any overspill on-street parking could not take place in locations that would be detrimental to highway safety and would not conflict with other residents of the road.

IMPACT ON PAGHAM HARBOUR:

This proposal seeks to convert an existing three bedroom HMO into two, one bedroom flats. The current occupancy allows for a total of three unrelated people living together as a household. There would be a net reduction in the number of bedrooms and for this reason, a Pagham Harbour contribution would not be appropriate.

SUMMARY:

The proposal seeks to convert an existing building with only minimal external alterations. It is recognised that the proposal does not meet the Council's standards in respect of allocated parking, internal space or private garden. However, given the proposed use by the Aldingbourne Trust as accommodation designed to enable tenants with learning difficulties to live as independently as possible, it is considered that an exception can be made. A personal condition will be imposed to prevent the flats from ending up on the open market.

Although the proposal does not comply with all development plan policies it is considered that the circumstances of the proposal allow an exception to be made. A recommendation to approve is therefore 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 seeks to enable people with learning difficulties to live more independently and the proposal would therefore 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:

"Location Plan";
"Block Plan"; and
"Ground Floor Plan & Elevations - Existing & Proposed" ref 16-05-01.

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 This permission shall be personal to the Aldingbourne Trust and shall not be exercised by anyone else other than with the written approval of the Local Planning Authority by way of a planning application

Reason: Permission would not normally be granted for two self contained dwellings due to the inadequate amount of private amenity space and the shared nature of the site but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **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.

- 5 **INFORMATIVE:** Please note the following comments of our Private Sector Housing Team:

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"
- A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from the bedroom in Unit 1 is via the Living/kitchen, this can be overcome by ensuring that the window in the bedroom is an escape window and adequate fire protection within the flat.

General

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