

Recommendation Report for Planning Permission

REF NO: BR/138/20/PL

LOCATION: Former Royal Bay Care Home
86 Aldwick Road
Bognor Regis
PO21 2PE

PROPOSAL: Temporary change of use from Care Home (C2) to temporary accommodation for seasonal agricultural workers for 12-month period. This application is not CIL Liable (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Temporary change of use of the Former Royal Bay Care Home, 86 Aldwick Road from Care Home (C2) with capacity of 42 beds to temporary accommodation for 80 seasonal agricultural workers and 2 members of staff for 12-month period.
SITE AREA	0.14 hectares
BOUNDARY TREATMENT	Brick wall with railings sitting on the top of the wall backed by dense planting with a pair of traditional gates from wrought iron between gate piers to the front with statues on the top. The boundary to the rear and sides constitutes a brick wall.
SITE CHARACTERISTICS	The site comprises a substantially set back 3 storey red brick symmetrical building with gabled front projection on both sides of the principal elevation. The original building has been significantly extended to the side and to the rear, facing Oxford Street, filling entirely the plot with the exception of a landscaped frontage and car park area accessed from Aldwick Road.
CHARACTER OF LOCALITY	Aldwick Road to the West of Bognor Regis town centre accommodates a range of local businesses, services with residential. The site is on the corner of the residential street Nyewood Lane. It is enclosed by streets predominantly in residential use. In the surrounding area are 10 properties registered as HMOs which support 58 people. Other permissions in the locality permit the use of existing single residential households to apartment and maisonettes. The character of the locality has increased density derived from recent conversions of housing stock into smaller household types.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

OBJECTION on the following grounds:

- such a large number of persons living in a confined space could encourage the spread of Coronavirus;
- there are concerns that this may turn into a permanent HMO;
- intensification of use that would adversely affect the character of the area thereby affecting the public and neighbouring amenities;
- concerns in the result of generation of excessive parking demands which would harm public amenity.

7 letters of representations received:

- No objection to the principle of housing agricultural and horticultural workers - numbers proposed are far too high for their wellbeing and safety and for this densely populated community.
- Having 80 people living together when Covid 19 is still a threat, is nothing short of stupid. Local area is full of HMOs (legal and otherwise) and is already very densely populated.
- Already problems with traffic, parking and rubbish due to high density of people living in this area. .
- It would be at serious risk of a similar scenario should this be approved. It would be putting the area and residents/businesses at risk.
- Completely unsuitable for stated purpose. This is a residential area and 80 people would create much disruption to residents and businesses nearby. This building cannot possibly accommodate 80 safely.
- The increase in these HMO style accommodations, including numerous unregistered HMOs is having a massively detrimental effect on the neighbourhood, with a great increase in antisocial behaviour, street drinking, fly tipping and drug dealing. Already an excessive percentage of transient population the negative effects of which are corroding the sense of community and the mental health of the people in it.
- Parking at saturation point with illegal parking and road blockages a daily occurrence. Regularly witness utility vehicles and emergency vehicles unable to reach destination due to increasing volume of parked/illegally parked cars, also parking on pavement blocking prams/disabled persons.

COMMENTS ON REPRESENTATIONS RECEIVED:

Impact on highways has been assessed by the Local Highways. Other issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objections. If permission granted it would not indemnify against statutory nuisance action being taken should substantiated complaints in the remit of the Environmental Protection Act 1990 be received.

WSCC HIGHWAYS: The planning statement states that the site would generate 50 movements per day. The applicant has not provided data in regards to the use. WSCC policy states when an intensification of 50+ movements per day is expected, a Stage 1 Road Safety Audit (RSA) is required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer for Bognor Reef SSSI
- Built-up Area Boundary
- CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
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:

SPD11	Arun Parking Standards 2020
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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."

The proposal does not comply with relevant Development Plan policies in that the proposed change of use would result in a large concentration of housing in multiple occupation which can have a potentially damaging impact on the amenity of a local area in terms of rise to noise and disturbance, greater demand for off street parking and generating more refuse and. The development fails to provide adequate area open space.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The development results in the loss of a Care Home in Use Class C2 (Residential Institution) which provided employment for approximately 40 persons on a full time and part time basis.

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.

In applying this criteria to development proposals, para 12.5.1 of the Local Plan makes clear that 'it is important to ensure that mixed and balanced communities are developed so that situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing, are avoided.

Paragraph 12.5.2 stresses that a large concentration of housing in multiple occupation can have a significant and potentially damaging impact on the amenity of a local area. This can be of particular concern in areas such as Arun where the numbers of seasonal workers is high.

Paragraph 12.5.5 of the Local Plan 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.'

There are at least 10 properties registered as HMOs in the area of the site. These properties support approximately 58 people. The proposed temporary (12 months) change of use would bring to the area further 82 persons accommodated in property (80 agricultural workers and 2 live in staff) with a current capacity of 42 beds. Due to the concentration of an HMO type of accommodation in the area.

A further HMO, notwithstanding for 12 months only, for 82 persons would result in a substantial increase of population in an already densely populated area; owing to the housing mix in contrast to the aims of criteria (a) of Policy H SP4 of the Local Plan.

The proposed use is incomparable to the former C2 use and is materially different. Care Homes operate in a more controlled and holistic manner with single deliveries serving the whole building for food, a

significantly reduced number of courier deliveries and visiting persons to residents being strictly controlled. This is in significant contrast to the functional operation of buildings with multiple occupation. They do not contribute to the generation of excessive parking demands or traffic in an area. In principle, each HMO room functionally operates as its own self-contained residential unit of accommodation. It would generate its own waste requirements, own deliveries from couriers and own food deliveries.

As stated in the DAS, the majority of workers (estimated 80%) will travel to work by minibus. It is estimated there will be circa 50 vehicle movements per day (25 in 25 out). The majority depart between 6am and 8am and return between 15.30 and 17.30. Approximately 16 workers will be using their cars/other forms of transport. 13 parking spaces are provided in the site from which 3 are for a staff.

WSCC Highways in their comment stress that when an intensification of 50+ movements per day is expected, a Stage 1 Road Safety Audit (RSA) is required. The applicant has not provided data in regards to the existing use.

On-street parking in the local road network are severe, therefore it is considered that the development generating an excessive parking demands would result in increased pressures, in terms of amenity, in the nearby area; contrary to criteria (b) of Policy H SP4 of the Local Plan.

PROVISION OF OPEN SPACE

Whilst the applicant's Design and Access Statement details that the use for accommodation for seasonal workers to serve the agricultural/horticultural sector is a temporary measure to re-accommodate workers from the South Downs site and to help with the loss of bed spaces as a result of Covid-19 social distancing measures, 82 people will be accommodated in a combination of single and double rooms, together with a larger rooms for 3-4 occupants, utilising the care home room layouts. There are shared shower facilities and shared self-catering kitchen facilities. 5 staff will be needed to run the accommodation (a site manager, 2 welfare staff and 2 maintenance staff). Two staff will be resident with the remaining living off site. As detailed in the DAS indoor facilities which include a large lounge area with pool table/football table will remain closed during COVID-19 restrictions.

The plans feature only a small area of private amenity space forward of the primary elevation fronting the roadside. The area would not provide a secluded, quiet and tranquil area which the character of private amenity space should provide. The development seeks for approximately 82 persons to occupy the building whilst providing little to no usable amenity space of private value. The development fails to provide adequate amenity space contrary to criteria (c) of Policy H SP4 of the Local Plan.

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

NEIGHBOURING AND PUBLIC AMENITY

Para 12.5.4 of the Local Plan makes clear that 'many properties are capable of accommodating a modest increase in occupancy, as a way of meeting the increasing demand for HMO type accommodation and other conversions. However, the number of tenants is unlikely to remain fixed over time and increased occupancy may well give rise to noise and disturbance and a greater demand for off-street parking'.

Policy QE SP1 (ALP) requires the Local Planning Authority to ensure that development does not have a significantly negative impact upon residential amenity.

The site is surrounded by a residential properties on Nyewood Lane and Oxford Street. The recent C2 Care Home Use accommodated c. 42 bed spaces which would have comprised a low key form of accommodation. Persons are typically confined to the premises requiring care which is part and parcel of

the C2 use. The C2 form of accommodation means persons are not accessing the building regularly, demand for outside open space is minimal and noise generation is low. Persons occupying C2 developments typically lack mobility which means movements to and from the property are limited. Opportunities for visiting are strictly controlled to neighbourly times and hours which ensures such activities are compatible with the residential setting.

In contrast accommodation supporting 82 persons would result in a demonstrable increased level of activity. This would be apparent at entrance and exit points of the building, amount of noise generation from each individual bedsit which would be audible from each window opening of the rooms and circa 50 vehicle movements per day in the early morning and late afternoon. Unlike the C2 use the proposed use results in an increased demonstrable level and nature of activity. On this basis, it is considered the level of activity associated with this amount and intensity of development combined with the site's proximity to nearby residential properties, will result in an adverse level of harm that is both significant and demonstrable. In addition, as stated in paragraph 12.5.5 of the Local Plan, larger households tend to generate more refuse and if not adequately stored prior to collection it can be both unsightly and health hazard. As such this significant increase in population would not only adversely affect the character of the area but would put the members of a local community into a health threat.

The development fails to safeguard amenities of neighbouring residents, due to the increased population on the site and associated activities and would be contrary to Policy QE SP1 of the Arun Local Plan.

DESIGN AND VISUAL AMENITY

Policy D SP1 (ALP) requires development to make efficient use of land but reflects the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 (ALP) sets out a 15 point criteria against which the design of new development should accord with. Criteria 1 requires development to reflect or improve upon the character of the site and surrounding area.

The development proposes small internal alterations, no external changes are proposed. Taking the above factors into account, the development would not visually affect the surrounding area and would accord with Policies D SP1 and D DM1(1 and 2) of the Arun Local Plan.

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.

Due to a proliferation of smaller household typologies (and commensurate increase in population density) demand for parking has increased considerably which has led to amenity issues deriving from parking demands. Such amenity issues have involved anti-social blocking of driveways and overspill parking on roads which have prevented emergency service vehicles from using nearby streets.

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.

WSCC raised the concerns with regards to the development generating 50 movements per day whilst details about the frequency and number of traffic movements that both the previous C2 use would have generated and what the proposed temporary accommodation is expected to generate have not been provided. WSCC policy states that when an intensification of 50 or more movements per day is expected, a Stage 1 Road Safety Audit (RSA) is required.

Without required information the LHA is not able to fully assess the impact of proposed development on highway safety with regards to the principle of the change of use of the site.

SITE OF NATIONAL IMPORTANCE FOR NATURE CONSERVATION

Policy ENV DM1 (ALP) requires development to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance as listed in Tables 17.1 - 17.7, will not normally be permitted.

The application seeks to change a use of the existing building in the a built up area which falls in the 2km Buffer of the Bognor Reef SSSI. The site does not possess any of the designated features of the Bognor Reef SSSI and, owing to nearby preferential areas of amenity space, is unlikely to have an adverse effect on the Bognor Reef SSSI.

On the basis of the above, the development accords with policy ENV DM1 of the Arun Local Plan.

IMPACT ON PAGHAM HARBOUR:

This proposal seeks to convert a Care Home into temporary accommodation of 80 agricultural workers without creating an additional number of bedrooms and for this reason, a Pagham Harbour contribution would not be appropriate.

SUSTAINABLE DEVELOPMENT

Paragraph 7 (NPPF) makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 (NPPF) outlines the three objectives of sustainable development comprising economic, social and environmental objectives.

The economic objective requires the right type of land is available in the right places and at the right time to support growth. This assessment has detailed how the proposed development comprises a type of development which is incompatible with its location. It follows that the proposed development fails to be located in the right place. Therefore, the development fails to deliver the economic objective.

The social objective seeks to support a range of homes to meet the needs of present and future generations which support health, social and cultural well-being. The assessment has detailed that there is a disparity between small-subdivided housing types and family housing and has detailed how this has resulted in associated impacts upon public and neighbouring amenities. Therefore, the development would fail to deliver the social objective.

The environmental objective requires developments to make an effective use of the land. For the reasons outlined in this assessment the development would result in an intense form of development that results in impacts upon neighbouring and public amenities, which comprises an ineffective use of land. The development therefore fails the environmental objective.

Taking the above factors into account, the development fails to deliver sustainable development under the three objective (paragraph 8) and therefore fails to contribute to the achievement of sustainable

development (paragraph 7).

SUMMARY

This report has assessed the development against the policies against the Development Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). It has found that the development would result in adverse impacts upon public and neighbouring amenities contrary to Policies H SP4 and QE SP1 of the Arun Local Plan. The level of harm associated with these impacts is considered to be of such significance that it outweighs the benefits of the proposal. It follows that planning permission should be refused.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

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

REFUSE

- 1 The development by reason of number of residents results in an intensification of use that adversely affects the character of the area which would affect public and neighbouring amenities, would result in the generation of excessive parking demands which would harm nearby public amenity and would fail to provide an adequate area of amenity space which would demonstrably harm the amenities of future occupants; contrary to Policies H SP4, QE SP1 and T SP1 of the Arun Local Plan.
- 2 Insufficient information has been provided to demonstrate the frequency and number of traffic

movements that both the previous C2 use would have generated and what the proposed temporary accommodation is expected to generate.

Therefore the proposal is contrary to NPPF paragraph 28 and Arun Local Plan policy T SP1.

- 3 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.