

Recommendation Report for Planning Permission

REF NO: BR/152/19/PL

LOCATION: 17 Longford Road
Bognor Regis
PO21 1AA

PROPOSAL: Variation of condition 3 imposed under BR/34/19/PL to increase number of children from 4 to maximum of 6.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend condition 3 of BR/34/19/PL which states: 'No more than a maximum of 6 adults and 4 children shall be accommodated at the premises at any one time, in connection with the use hereby approved. Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policy DDM1 of the Arun District Local Plan. The application seeks approval to increase number of children from 4 to maximum of 6. This was proposed as part of BR/34/19/PL
SITE AREA	204 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mix of brick walling and timber fencing.
SITE CHARACTERISTICS	The site is occupied by an semi detached, 4 bed, two-storey dwelling that has red brick and render elevation walls and a tiled, pitched roof.
CHARACTER OF LOCALITY	The site is located on a residential road that is lined by terraced two-storey buildings housing a mixture of self-contained dwellings, flats and a mix of other commercial uses.

RELEVANT SITE HISTORY

BR/34/19/PL	Change of Use from Dwelling (C3 Dwellinghouses) to Child & Family Assessment Centre (C2 Residential	Approve Conditionally 09-04-19
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Institution) including minor internal alterations.

BR/17/14/	Single storey rear extension with internal alterations	ApproveConditionally 18-03-14
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
Bognor Regis Town Council raised no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

2km Buffer for Site of Special Scientific Interest Felpham and Bognor Reef
Built-Up Area
WSCC Mineral Consultation Area

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
HDM2	H DM2 Independent living and care homes
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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.

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).

The relevant Bognor Regis Neighbourhood Development Plan policy 4 has been taken account of in considering 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 is considered to comply with relevant Development Plan policies in that it would not have a significant impact upon the residential amenity of adjoining properties sufficient to justify a refusal of planning permission.

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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed are contained within Arun District Local Plan policy D DM1

which seeks to prevent development that would have an unacceptable adverse impact upon visual and residential amenities, local plan policies D DM2 which relate to internal space standards respectively and policy H DM2 which relates to independent living and care homes.

BACKGROUND AND JUSTIFICATION FOR THE PROPOSAL

Planning permission was granted for the use of the site as a Child & Family Assessment Centre (C2 Residential Institution); a short a short stay for 6-12 weeks, including minor internal alterations under BR/34/19/PL. The proposed enterprise is governed by OFSTED who will issue a license to operate and complete inspections to ensure the care provided is appropriate and of a good quality.

This proposal seeks to amend Condition 3 of BR/34/19/PL to increase number of children from 4 to maximum of 6 since in the previous application the applicant have omitted the possibility of having the parents with multiple babies.

OCCUPANCY RATE:

It is anticipated that the parent and child occupancy will likely be 4 adults and 4 children but with a maximum of 6 adults and 6 children.

IMPACT ON VISUAL AMENITY AND THE CHARACTER OF THE AREA

The proposed increased number of children from 4 to maximum 6 will not have a significantly greater impact on the character of the area to that already approved under BR/34/19/PL and would not materially increase the use of the approved development.

This proposal does not increase the built form within the site.

IMPACT ON HIGHWAY SAFETY

County Highways previously had no objection to the proposal in terms of highway safety. The proposal is therefore considered compliant with policy TSP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

It is considered that the approved use is appropriate for the site given the context of the predominantly residential uses that surround it.

Since no extensions or external alterations will be made it is considered that the proposed increase in an occupancy rate with a maximum 6 adults and 6 children would not give rise to any concerns relating to overbearing, overlooking or overshadowing impacts.

INTERNAL & EXTERNAL SPACE:

The C2 scheme uses the same amount of bedrooms as the current C3 use from four to three. The current layout accords with the minimum room sizes set out in D DM2 and the proposed increase the occupancy by two children maximum (what would vary every 12 weeks) therefore, it is considered that this would be an acceptable level of occupation.

D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3

"External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Retaining the garden as a consideration of the change of the compliments the residential occupancy of the C2 use. The retention of the garden also compliments the requirements of Policy H DM2.

CONCLUSION

The proposed increase in an occupancy up to 6 children would be of a suitable scale within a suitable location suitable location. The residential amenities of neighbouring residents will not be adversely affected. It is considered that the proposal complies with policies D DM1, D DM2 and H DM2 of Arun Local Plan policy 4 of the Bognor Regis Neighbourhood Development Plan and with the guidance within the NPPF (para. 127).

It is therefore recommended that the application is approved, subject to the following conditions.

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, 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 No more than a maximum of 6 adults and 6 children shall be accommodated at the premises at any one time, in connection with the use hereby approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policy DDM1 of the Arun District Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 3 of planning permission BR/34/19/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number BR/34/19/PL remain in force and must be complied with. This decision only relates to the variation of Condition 3 of that planning permission.
- 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 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.