

Recommendation Report for Planning Permission

**REF NO:** BR/157/25/PL

**LOCATION:** 3 & 4 Queens Square  
Bognor Regis  
PO21 1SA

**PROPOSAL:** Change of use of properties from 2 No separate bed and breakfast accommodation units each having owners accommodation and communal lounge and dining areas at ground floor and 7 No B&B bedrooms at first and second floor to C2 (Residential Institution) use comprising staff room and 10 No C2 Supported Housing units. This application is in CIL Zone 4 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	This application proposes a change of use of two separate bed and breakfast units (each with owner's accommodation, communal lounge and dining areas at ground floor, and 7 No. B&B bedrooms) to a Residential Institution, comprising a staff room and 10 No. supported housing units (Use Class C2).
<b>SITE AREA</b>	0.1ha.
<b>RESIDENTIAL DEVELOPMENT DENSITY (NET)</b>	100 dwellings per hectare.
<b>SITE CHARACTERISTICS</b>	Pair of semi-detached two and half storey properties, currently in use as separate Bed and Breakfast accommodation. Previously in use as ten individual flats (described by BR/166/15/PL as HMO units). Each has individual amenity space to the rear with vehicle parking and access to William Street. Shared green space and vehicle access to the front, in use also by 5 and 6 Queens Square.
<b>CHARACTER OF LOCALITY</b>	Mostly residential in the immediate vicinity, with mixed use within the wider area. Retail and commercial uses are along London Road to the west, with St Mary's RC Primary School to the east.

<b>RELEVANT SITE HISTORY</b>
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BR/64/25/PL	Change of use from 2 No. separate adjoining bed and breakfast accommodation units (each having owners accommodation, communal lounge and dining areas at ground floor and 7 No. B&B bedrooms at first and second floors) to 9 No. flats. This application is in CIL Zone 4 (Zero Rated) as flats.	App Cond with S106 29-08-25
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BR/166/15/PL	Change of use of properties from 10 HMO units to 2no separate bed & breakfast accommodation units each having owners accommodation & communal lounge & dining areas at ground floor & 7 B&B bedrooms at first & second floor	ApproveConditionally 05-10-15
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Relevant planning history noted.

## REPRESENTATIONS

Bognor Regis Town Council - No objection.

No representations received from nearby occupiers.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

Private Sector Housing:

- General advice relating to the Housing Act 2004, Housing Health and Safety Rating System (England) Regulations 2005 and LACoRS national fire safety guidance.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Built Up Area Boundary  
TPO (TPO/BR/2/02)  
Pagham Harbour Zone B  
Article 4 Direction  
Economic Growth Area  
2km Buffer for Site of Special Scientific Interest  
CIL Charging Zone 4

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Bognor Regis Neighbourhood Plan 2015 Policy 1</a>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 6	Key gateways and promotion of sustainable travel
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

#### 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 that it would have no harm to visual, residential or highway amenity, flooding and drainage, biodiversity or the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that it would have no adverse harm to visual, residential or highway amenity, flooding and drainage, biodiversity or the character of the area.

- (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 no other material considerations to be weighed in the balance with the Development Plan.

#### CONCLUSIONS

##### PRINCIPLE

The site benefits from being in the Built-Up Area Boundary (BUAB) in which the principle of redevelopment is acceptable.

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal falls within the BUAB and will be determined under an active adopted Local Plan, in accordance with ALP policy SD SP2.

##### LOSS OF TOURIST ACCOMMODATION

Policy TOU DM1 of the ALP concerns tourism related development and states that proposals for a change of use that leads to the loss of a visitor accommodation will not be granted planning permission unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements, the Council will require:

- e. that alternative visitor uses have been fully explored;
- f. an appraisal indicating that the use is no longer viable;
- g. evidence that the site has not been made deliberately unviable; and
- h. evidence of the suitability of the site to accommodate the alternative use.

This proposal follows a recently approved application for the conversion of the properties into 9 No. residential flats. While ADC Economic Regeneration have not been able to provide comment on this application, they previously provided a 'no comment' response under BR/64/25/PL, as the accommodation in question is not star rated for holiday use. The properties use as a B&B is not considered as high value holiday accommodation, and not of such significance that its retention is of priority to the Economic Regeneration team. Its loss would not amount to such harm that it would have unacceptable impact on the tourism industry within the town.

It is not necessary for the application to be accompanied by evidence of viability, and its loss is acceptable.

##### VISUAL AMENITY AND CHARACTER

As the proposal is solely for a change of use with no external works, the development would not alter the visual appearance of the property and there would be no impact to the visual amenity, design, or composition of the area.

The proposal would result in some minor variation in the character of the property, but the site currently comprises two B&Bs, which are not fully congruent with its neighbouring properties in that many of the surrounding buildings have been converted to residential flats, or remain single dwellings. Overall, the character of the surrounding area is primarily residential, rather than short-term let tourist

accommodation. The conversion to a Residential Institution for 10 No. residents would more closely align with the prevailing character of the area.

The proposal would have no adverse impact on the character of the area and is in accordance ALP policies D SP1 and D DM1.

#### RESIDENTIAL AMENITY

ALP policy D DM2 states that internal spaces should be on an appropriate size, with regard being made to the Nationally Described Space Standards (NDSS). The NDSS do not set out minimum space standards for residential institutions, rather they are designed for new, independent residential dwellings. The policy pre-ambule also sets out acknowledgement that conversions are not always able to meet required space standards.

As a residential institution, the proposals are not independent dwellings and are not required to comply with the NDSS. The units vary in terms of their internal areas, with units 4 and 7 being particularly small at approx. 23sqm. While these units are considerably smaller than what would be expected for new independent dwellings such as those approved under BR/64/25/PL, it is acknowledged that the units are to form part of a Residential Institution where on-site care is to be required and the needs/preferences of vulnerable occupiers may vary significantly. Given the nature of the use, the Local Planning Authority are satisfied that sufficient residential amenity would be afforded to the intended occupiers.

A Noise Impact Assessment (NIA) has been submitted. Environmental Health raise no objection having reviewed the contents of this NIA. There are no technical reasons for refusal in respect of noise. It is not anticipated that the change of use would have an adverse impact to the quality of the environment, nor the residential amenity of neighbouring occupiers. There would be a change in the nature of the noise and disturbance produced by the proposal, however this would not be detrimental, and would be comparative to the noise pollution created by neighbouring properties.

Section H.04 of the ADG provides guidance for communal shared external amenity spaces, stating that these should be a minimum 40sqm, plus 10sqm for each unit, requiring 140sqm in this instance. The communal amenity land to the front of the property, and immediately accessible for residents, is approximately 450sqm. The site, therefore, exceeds the requirements of Section H.04 of the ADG, and would afford the residents with a high standard of amenity.

The proposal is in accordance with ALP policies D DM2, QE SP1 and QE DM1, and the NPPF.

#### HIGHWAYS, PARKING AND ACCESS

The Arun Parking Standards SPD sets out parking requirements for new developments. Principle 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand. Principle 2.13 advises: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

Policy 8b of the BRNDP states that major developments should demonstrate that they do not impact the existing capacity of public highways to accommodate parking.

In Parking Zone 4, one-bedroom dwellings are required to provide 1 No. car parking space and as such, the proposal would require 10 No. car parking spaces on site in order to accord with the Arun Parking Standards. The proposed use, however, is a Residential Institution which would receive 24-hour care, with two employees on site during the day, and one at night. The Arun Parking Standards states that Use Class C2 proposals and their associated parking demand will be determined on a case-by-case basis.

Given the nature of the use, there would be a reduced demand for parking for the existing residents. The need for on-site care and full-time employees, however, would produce parking demand.

8 No. spaces exist within the rear of the sites; all of which are accessed via existing driveways on to William Street. If the proposed units were traditional residential dwellings, there would be a shortfall of 2 No. spaces per the Arun Parking Standards, and additional parking provisions for 2 No. staff would be required, however, due consideration of the likely reduced parking demand given the proposed use, is necessary. Furthermore, the proposal is sustainably located, being in walking/cycling distance of local services, amenities, and public transport connections, including Bognor Regis Train Station which is a 5-minute walk. There is on-street parking in the locality, however it is limited. On-street parking restrictions within the area are extensive and ensure cars would not be parked in such a manner that would prejudice highway safety.

The nature of the use would involve occupiers that are less likely to have access to/require a private motor car. This, combined with the highly sustainable location and the alternative transport connections readily available, means there would be a reduced parking demand at the site and, therefore, the 8 No. car parking spaces would be sufficient to account the parking demand of the proposed use.

The Arun Parking Standards sets requirements for the provision of secure and covered cycle parking. Ten spaces would be required for residents per the Arun Parking Standards. Details for cycle parking on the site have not been provided at this time, but the site has sufficient external space to accommodate secure and covered cycle parking, and details of this cycle parking are to be submitted for approval and secured by way of condition.

The Arun Parking Standards sets a minimum requirement for the percentage of parking spaces with active EV Charging Points to be 30% by 2023 for all developments. By this requirement, 3 no. EV Charging Points should be provided on site. This will be secured via condition.

No parking survey has been submitted in support of the application, but for the reasons identified above, and relative to the existing parking requirements of the site as 2 No. Bed and Breakfast units, is sufficient to conclude that the proposal would not result in any unacceptable impact in respects of parking or highway safety.

Subject to compliance with conditions, the application is in accordance with ALP policies T SP1 and T DM1, and the NPPF, and in line with the principles of BRNDP policy 8b.

#### **BIODIVERSITY**

The proposal is exempt from Statutory Biodiversity Net Gain under the 'de minimis' exemption. Therefore, it is not necessary for the development to demonstrate 10% BNG.

No ecological enhancements are proposed as part of the application but some level of biodiversity net gain on site remains a requirement of ALP policy ENV DM5. In order to secure biodiversity gain on site a condition has been attached requiring the installation of a bird box at high-level, to the external wall of the building. This shall be placed facing either east or south-east.

#### **SITE OF SPECIAL SCIENTIFIC INTEREST**

The proposal is located within a 2km Buffer Zone for a Site of Special Scientific Interest (SSSI) (Bognor Reef). As a change of use application only, and to a use that would not result in material differences to the site that would have a resultant impact the SSSI, the need for an appropriate assessment has been screened out. The proposal is in accordance with ALP policy ENV DM1.

#### **PAGHAM HARBOUR**

The site falls within Pagham Harbour Zone B and involves the provision of residential units. This usually means that a financial contribution is required via S.106 agreement to mitigate against potential recreational pressures on the Pagham Harbour Special Preservation Area. The proposed use is a residential institution receiving care. The proposals will not allow pets on site, and the nature of the use will involve occupants that have a reduced likelihood of using a private motorcar. This, compared to the current use of the sites serving as tourism accommodation where visitors are likely to explore the notable attractions within the area, such as Pagham Harbour, is such that the Local Planning Authority are satisfied, in this instance, that a S.106 agreement to secure a financial contribution against recreational pressures, is not necessary.

Therefore, with the proposed use having limited likelihood for occupiers visiting the SPA, and the current use serving tourist accommodation with visits to nearby attractions such as the SPA being likely, the proposed use would see an overall reduction in potential recreational pressures on the Pagham Harbour SPA.

The proposal is in accordance with ALP policy ENV SP1 and the principles of ALP policy ENV DM2.

#### **SUSTAINABLE CONSTRUCTION**

ALP policy ECC SP2 requires all new residential and commercial development to demonstrate how it will be energy efficient and incorporate. The proposal seeks the reuse and repurposing of an existing structure. In light of the sustainable reuse of an existing building, and improvements to the fabric and efficiency of the structure, it is not necessary to impose a condition requiring details of 10% energy generation on site from renewable sources such as PV panels.

The proposal is acceptable in regard to ALP policy ECC SP2.

#### **WASTE MANAGEMENT**

The proposal would provide two external bin stores, one to the rear of each property, within easy accessibility from the street. This would allow for a safe, secure, and sustainable space for waste to be managed on site, and one which would also not impede on the amenity of those living in the building. This is acceptable and in accordance with ALP policy WM DM1.

#### **SUMMARY**

The development is in accordance with the relevant Development Plan policies and as such, it is 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 to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been 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 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.

<b>RECOMMENDATION</b>
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## 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:

- Drawing 1 - Location Plan.
- Drawing 2 - Block Plan.
- Sheet 3 - Proposed Site Plan.
- Proposed C2 Use Proposed Floor Plans Dwg No. 7.

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 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 4 A bird box shall be fitted to the external wall of the building prior to occupation and shall be permanently maintained in good working condition as such thereafter. The bird box shall be attached at first-floor level and positioned facing either east or south east.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 5 Prior to the occupation of any part of the approved use, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved use in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 30% of parking spaces (rising to 50% from 2028 and 100% from 2033) with electric ducting provided to all other spaces, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable

travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 6 The building shall be used as a Class C2 (Residential Institution) and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of residents in accordance with Arun Local Plan policy QE SP1.

- 7 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).

- 8 **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.