

Recommendation Report for Planning Permission

REF NO: BR/268/21/PL

LOCATION: The Gables Hotel
28 Crescent Road
Bognor Regis
PO21 1QG

PROPOSAL: Retrospective application for change of use from Hotel (C1 Hotels) to large 9 bed HMO (Sui Generis).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks retrospective permission for the change of use of the building from a hotel to a 9 person HMO.
TOPOGRAPHY	Predominantly flat.
TREES	None of affected by the proposed development.
BOUNDARY TREATMENT	Low white painted wall to the front and mix of low walls and fir tree/hedging to rear boundaries.
SITE CHARACTERISTICS	The site comprises a two storey white rendered building with additional accommodation in the roof. There is a small first floor balcony on the front. Existing dormers to the front and north east side. There is no parking. There is a small front garden with access to the side to a triangular shaped rear garden.
CHARACTER OF LOCALITY	The site is in a town centre setting with mixed residential and commercial uses. There is a large public car park to the south and an open car wash on the opposite side of Crescent Road.

RELEVANT SITE HISTORY

PAA/9/18/	Conversion from C1 to 5No. flats (C3).	Refuse Pre App 13-03-18
BR/273/18/PL	Change of use from Hotel (C1 Hotels) to 4 No. Flats (C3 Dwelling House) including enlarged dormer & additional door on SE elevation.	App Cond with S106 10-04-19

An application was approved in 2018 for the conversion of the hotel to 4 flats.

REPRESENTATIONS

Bognor Town Council provided no objection.

- Member are disappointed at the loss of the hotel. Nonetheless it is a retrospective application and members felt there were not adequate grounds in which to object.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No adverse comment to make.

Private Sector Housing - Our records show it has licence granted in 2019 for 9 persons. The licence was granted with conditions and the applicant must ensure the conditional items are complied with.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TOUDM1	TOU DM1 Tourism related development
HSP4	H SP4 Houses in multiple occupation
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development

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 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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

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

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

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering such issues visual/residential amenity, highway safety and parking.

The NPPF's para. 12 requires that up-to-date Development Plan policies are the starting point for decision-making. In this case the relevant policy is Local Plan policy H SP4 and TOUDM1 which is considered to be up to date.

Paragraph 11c of the NPPF states ' For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay.

The application proposes the retention of a 9 persons HMO which has been converted from a hotel.

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.

LOSS OF HOTEL

ALP Policy TOU DM1 states existing visitor accommodation will not be granted permission for a change of use unless it is demonstrated the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. The policy requires that (a) alternative visitor uses have been fully explored; (b) an appraisal is supplied to indicate that the use is no longer viable; (c) that there is evidence that the site has not been made deliberately unviable; and (d) there is evidence of the suitability of the site to accommodate the alternative use.

The NPPF does not contain specific guidance in respect of safeguarding tourism uses. Para 86 (f) states planning policies should recognise residential development often plays an important role in ensuring the vitality of town centres and policies should encourage residential development on appropriate sites.

BR/273/18/PL sought the conversion to flats was approved following marketing and viability statements. The viability has already been considered and the loss of the hotel is deemed acceptable. The viability is not considered to have changed since then, especially with current market conditions over the past 2 years in which the pandemic would have severely reduced any ability to provide for tourism.

DESIGN AND VISUAL AMENITY

The proposals seeks no changes to the exterior of the building and will preserve the existing appearance.

HMO policy H SP4 requires that HMOs (a) Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing. The supporting text (para 12.5.1) states "In providing for the housing needs for Arun, 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."

The site is in Bognor Regis Town Centre, on the outskirts of the main retail and service centre of the high street and surrounding area. The immediate area contains a mix of residential and retail uses. It is a high density area. Based on the character of the local area which consists of a variety of properties along with the fact that the exterior of the building is not to alter, it is considered the HMO would not adversely affect the character of the area or erode the balance between different types of housing, including family housing. The proposals would therefore accord with criteria (a) of HMO policy H SP4.

The proposal is not deemed to result in harm upon the appearance or character of the area in accordance with D DM1, QE SP1 and H SP4 (a) of the Arun Local Plan.

RESIDENTIAL AMENITY

With no external changes proposed, the development would not result in adverse overshadowing or overbearing upon neighbouring amenity.

The change of use from hotel to HMO is not deemed to result in increased occupancy or intensification of the use of the property than compared to its previous use. The change may result in a slight increase in noise levels. It is not considered the use would result noise pollution to a greater degree than that of its previous use. The site is in a relatively busy area opposite the junction between Crescent Road and Queensway with a car park and a car wash nearby the site.

The use of the property as a HMO is not deemed to result in adverse harm upon neighbouring amenity in accordance with relevant policy.

PARKING, TRAFFIC AND HIGHWAYS IMPACTS:

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that: (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF 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.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage.

HMO policy H SP4 requires that HMOs (b) Do not contribute to the generation of excessive parking demands or traffic in an area.

WSPCC Parking Standards Guidance (September 2020) expects the provision of 0.5 car parking spaces per bedroom and 1 cycle parking space per unit for HMO developments. The ADC Parking SPD (2020) does not specify car or cycle parking standards for HMO developments, but for new residential development expects 2 car parking spaces for 4 bedroom + houses (in Parking Behaviour Zone 4) and 1 cycle parking space per unit for 1 bed flats/houses.

No car parking spaces are proposed. The site is in a highly sustainable location with access to walking, cycling and public transport routes, and cycle spaces would be provided on site (this will be secured via condition), so occupiers would not have to rely on use of a private vehicle.

There is limited on street parking with restrictions in place and with no on site spaces provided it would not accord with (b) of HMO policy H SP4 in this respect. However no parking spaces were provided with regards to its previous hotel use or the approved flats and it is not considered the proposal would result in an increase in material movements and given its close distance to various public transport, it is not anticipated to have a significant impact on the local highway network.

With planning conditions to secure provision of cycle parking spaces the development would not result in excessive on-street parking demand in the area. The proposals would therefore accord with policies T SP1 of the Arun Local Plan.

PROVISION OF OPEN SPACE FOR HMO OCCUPANTS:

HMO policy H SP4 requires that HMOs (c) provide adequate areas of open space.

There is a sufficient sized garden provided which is triangular in shaped and in addition there is an easy access to public open spaces such as 'The Steyne' and the beach within a walking distance.

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

PROVISION OF INTERNAL SPACE FOR HMO OCCUPANTS:

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

The Technical Housing Standards (Nationally Described Space Standard) does not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's Environmental Health Private Housing Standards.

All 9 bedrooms meet or exceed the Nationally Described Space Standards in compliance with policy D DM2.

A licence has already been approved at the property and the space/facilities are deemed acceptable.

WASTE STORAGE PROVISION:

The supporting text (para. 12.5.5) to HMO policy H SP4 states that "Larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation. Where large amounts of refuse are not adequately stored prior to collection, it can become both unsightly and a health hazard, particularly during summer months."

Policy WM DM1 of the Arun Local Plan states "New residential development, including conversion of one dwelling into multiple units, will be permitted provided that:

- a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles
- b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats.

The site benefits from an existing bin store. This is located to the corner of the site adjacent to Crescent Road and is demonstrated on the block plan. This arrangement have been in place for some time and is acceptable.

CONCLUSION

The continued use of this property as an HMO for 9 persons represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. In this case the scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended the application be approved in accordance with 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 would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans
 - Location and Block Plan - PO1 A
 - Ground and First Floor Plan - PO2
 - Second Floor and Roof Plan - PO2
 - Planning Statement

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

- 2 Within 3 months of the date of this decision covered and secure cycle parking spaces shall be provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle parking shall be retained unless otherwise agreed by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

- 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.