

Recommendation Report for Planning Permission**REF NO:** BR/37/17/PL**LOCATION:** 28 Burnham Avenue
Bognor Regis**PROPOSAL:** Retrospective application for the change of use from C2 (Residential Institutions) to home for unaccompanied minors (Sui Generis).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Change of use to home from rest home to care home unaccompanied minors aged between 16 and 21 (sui generis).
SITE AREA	0.08 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fence and vegetation to side boundaries. 1.2m hedge to front boundary.
SITE CHARACTERISTICS	Detached two storey building with gardens to rear and driveway with garden to front.
CHARACTER OF LOCALITY	Residential, characterised mainly by two storey, detached dwellings.

RELEVANT SITE HISTORY

BR/580/87	Change of use to rest home.	ApproveConditionally 15-02-1988
BR/686/88	Extension to Rest Home to provide additional bedrooms for care of the elderly	ApproveConditionally 17-04-1989
BR/418/89	Amended ground floor plan and erection of sun lounge	ApproveConditionally 04-09-1989
BR/261/93	Extension to provide lounge and replacement bedroom	ApproveConditionally 12-01-1994
BR/1/99/	Renewal of unimplemented planning permission BR/261/93 for extension to provide lounge and replacement bedroom.	ApproveConditionally 25-02-1999
BR/56/04/	Renewal of unimplemented planning	ApproveConditionally

permission BR/1/99 for extension to provide lounge and replacement bedroom.

13-04-2004

BR/130/72

Change of use to rest home

ApproveConditionally

14-07-1972

The site has been in C2 (rest home) use since 1988 when full planning permission was granted.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

One letter of representation (Town Councillor) supporting the application on the grounds that there has been no objection from their ward members and the use provides a vital facility.

Comments on Representations received:

Comments noted.

The officer agrees that the use would have additional impact on neighbouring residential amenity compared to the previous C2 use. However, it is not considered to create an unacceptable level of impact on residential amenity.

CONSULTATIONS

Environmental Health

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

GEN2

GEN7

GEN18

GEN32

GEN12

Built-up Area Boundary

The Form of New Development

Crime Prevention

Noise Pollution

Parking in New Development

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

D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

NPPG

National Planning Policy Framework

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).

None of the policies in the Bognor NDP are relevant to the 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 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 provision of a care home, which in this case is still a residential use but supervised, is considered to be an acceptable use within the built up area boundary.

RESIDENTIAL AMENITY

It is realised the use as a 'home for unaccompanied minors' may lead to an increased level of noise and disturbance. A care home would see its residents generally being more sedentary, whereby unaccompanied minors are likely to be far more active leaving the premises more and being outside. However, it is not considered that this increased level of activity is unreasonable and leads to a detrimental impact on residential neighbour amenity, to an extent whereby permission could be reasonably withheld.

PARKING

Three off street vehicle spaces are provided on the site. With two staff being present on the site 24/7 this is considered to be ample parking for their vehicles should they need them. Given the site is in a sustainable location near to the town centre, it is considered that the level of parking provided is sufficient for the use is acceptable.

CRIME

Unaccompanied minors may bring with them a different set of influences relating to crime. The facility provides 24/7 on site provision to assist in ensuring the minors are safely managed.

PARKING

Parking is unchanged. Residents will be unlikely to have access to their own car and there is limited prospect for family visitors. Parking will mostly be used by staff. The use and level of parking is considered acceptable for this location.

Given the character of the area and the proposed use it is considered that the application is acceptable subject to 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 The development hereby approved shall be carried out in accordance with the following approved plans:-

Promap

212/02

212/03

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.

- 2 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.