

Recommendation Report for Planning Permission

REF NO: BR/45/17/PL

LOCATION: Villa Maria
Campbell Road
Bognor Regis

PROPOSAL: Variation of condition 2 imposed under BR/270/16/PL relating to approved plans replacing 3 No. large 2nd floor flats with 1 No. 4 bed cluster flat with shared facilities.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks to amend the scheme permitted by BR/270/16/PL with the replacement of three large 2nd floor flats with one 4 bed cluster flat with shared facilities. Essentially then, the application proposes one additional second floor student bedroom space.

SITE AREA

0.08 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

- * 1.7m high wall and part rear wall of single storey garages to the western boundary with Sabey Court;
- * Part 1m/part 1.7m wall (forward of Villa Maria) and part external walls of existing single storey buildings back onto the northern boundary;
- * 1.8m high wall to the southern boundary with Allestree Court; and
- * Low wall to the eastern boundary with Campbell Road.

SITE CHARACTERISTICS

Existing large 2 storey detached building with dormer roof accommodation formerly used as a Convent. Materials include red/light brown bricks, light grey render, red clay tiles. Detached pitched roof garage adjacent to the southern wall with 1 parking space in front. External fire escape on the southern wall. Single storey rear conservatory and single storey open porch on the front. Single storey outbuildings along the northern and part

western boundaries.

CHARACTER OF LOCALITY

Residential location situated a short distance from Bognor Regis town centre to the west, Butlins to the east, the beach to the south and Hotham Park to the north. Campbell Road is predominantly characterised by flatted accommodation with most occupied by the over 60's.

Campbell Road is blocked to vehicles at the northern end. It is subject to a Controlled Parking Zone with a mix of permit parking and 2 hour max stay/no return within 2 hours parking along its length.

Neighbouring properties consist of:

- (1) Allestree Court to the south - 3 storeys flatted building with principal windows looking onto the site;
- (2) Priory Court to the north - 3 storey flatted building with secondary windows on its southern flank; and
- (3) Sabey Court to the west (rear) - 4 storey flatted building with principal windows looking onto the site.

RELEVANT SITE HISTORY

BR/349/88	Private Garage	ApproveConditionally 11-07-1988
BR/68/89	Amendment to Planning Permission BR/349/88. Revised siting of access from Campbell Road to single garage	ApproveConditionally 06-03-1989
BR/133/97	Internal alterations to convent together with a single storey extension to the rear of the property inclusive of replacing the remaining softwood windows with double glazed PVCu units	ApproveConditionally 22-07-1997
BR/270/16/PL	Change of use of an existing residential convent (C2 Residential Institutions) to provide 25No. units of student accommodation (Sui Generis) with proposed side extension & rear detached single storey outbuilding with car parking spaces & cycle storage	ApproveConditionally 25-01-2017

BR/189/58/C

Amended siting portable classrooms

Approve

23-12-1960

Application BR/270/16/PL (change of use of an existing residential convent to provide 25 no. units of student accommodation with proposed side extension & rear detached single storey outbuilding with car parking spaces & cycle storage) was approved in January 2017. This current application seeks to amend the planning permission.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"NO OBJECTION - on the following conditions:- that as per the Proposed Management Plan the good neighbour policy is employed; that as discussed between the developers and neighbours present, a 24 hour helpdesk will be available for reporting of any incidents; and that as a car free development as stated in the Design and Access Statement, no vehicles be allowed within a specified radius of the premises."

Comments on Representations received:

The planning permission granted in respect of BR/270/16/PL included condition 08 which requires compliance with the submitted Management Plan and which includes provisions in respect of noise and car parking. This condition 08 will remain in force.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Consultations responses received:

WSCC HIGHWAYS - "The proposal to change the layout to the 2nd floor of the previously approved planning consent for student accommodation has been considered by WSCC as the Local Highway Authority. No objection is raised to the changes proposed. These are to create a 4 bed flat with en-suite bathrooms in each room, with a communal kitchen and eating area. These changes will create 1 additional bedroom increasing the total number of students accommodated from 25 to 26. No parking will be provided and as the site will be occupied by students it is unlikely they will have a car. Should students need a car parking space they will need to register for a residents permit holder to park outside on Campbell Road. There are spaces free on the opposite side with a 2 hour parking limit which can provide some visitor parking, or parking for moving in and out during the academic year. No objection is raised."

ADC ENVIRONMENTAL HEALTH - No objections. Comments set out in full on the Councils website.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Pagham Harbour Management Zone A; and
Flood Zone 1.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2

Built-up Area Boundary

<u>GEN7</u>	The Form of New Development
<u>GEN9</u>	Foul and Surface Water Drainage
<u>GEN12</u>	Parking in New Development
<u>GEN32</u>	Noise Pollution
<u>GEN33</u>	Light Pollution
<u>GEN34</u>	Air Pollution
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality
	D DM3 External Space Standards
	D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
	D SP1 Design
	ECC SP2 Energy and climate change mitigation
	ENV DM2 Pagham Harbour
	H SP4 Houses in Multiple Occupation
	QE DM1 Noise Pollution
	QE DM2 Light Pollution
	QE DM3 Air Pollution
	QE SP1 Quality of the Environment
	SD SP2 Built-Up Area Boundary
	T SP1 Transport and Development
	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Bognor Regis Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Bognor Regis Neighbourhood Plan does allocate land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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).

There are not considered to be any relevant policies in the Bognor Regis Neighbourhood Plan.

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 applications seeks to amend a planning permission granted in January 2017 with the addition of 1 additional student bed space arranged as part of a cluster of 4 bedrooms with shared communal facilities. The principle of the change of use has already been established by the previous decision and it is only necessary now to consider the impacts of 1 additional bedroom - in respect of character, noise, residential amenity and parking. It should be noted that there are no proposed external changes.

CHARACTER, NOISE & RESIDENTIAL AMENITY:

It was previously agreed that the change in the use of the building from nuns to students would alter the character of the building. However, it was not considered that the new occupiers would necessarily be noisier or that the character of the area will change. It is not considered that the addition of 1 extra student will materially alter this assessment.

The applicant supplied a management plan with the previous application which included a number of provisions designed to control noise within/outside the property. These included the siting of potentially noisy parts of the building (laundrette/cycle stores) to the rear elevation and the accommodation of a permanent warden within the building to oversee the accommodation and maintain acceptable noise levels. The applicant also proposed to establish lines of communication with the local community and to investigate and resolve complaints from local residents promptly.

It was considered that these management measures would effectively mitigate any adverse noise

impacts. It is not considered that the addition of 1 extra student will materially alter this assessment. Environmental Health Officers raise no objection and the amended proposal will be subject to the same management plan.

PARKING:

The management plan submitted with the previous application stated that the development is to be car free so that no cars other than for disabled residents and the warden will be able to park within the site and that if any students are found to be keeping cars then their tenancy agreement would be terminated. WSCC Highways assessed the scheme on this basis. They consider that the site is in a sustainable location and that residents will not need access to a car to access shops, services, bus stops or Chichester university. Therefore, WSCC Highways raised no objection.

It is noted that the previous residents of the building would have been entitled to apply for residential parking permits and West Sussex County Council have confirmed that up to 4 future student residents could apply for a parking permit to then park within the Controlled Parking Zone (CPZ). This situation would be no different to the situation associated with the current use of the building. Therefore, the proposed use will not cause any greater demand for existing on-street spaces - and should in fact create less demand as students will be liable to lose their tenancy if they own a car.

The building also benefits from internal cycle storage for up to 20 bicycles.

SUMMARY:

The application seeks only to make a relatively minor change to the approved floor plan and it is not considered that the addition of 1 additional student bedroom materially alters the previous conclusions given in respect of Application BR/270/16/PL. It is therefore recommended that this variation application be approved as per the following.

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 drawings comprising of those submitted under application BR/270/16/PL and those submitted under application BR/45/17/PL which replace the former:

Dwg 160035-01 "Site Location Plan";
Dwg 160035-02 (Rev A) "Block Plan";
Dwg 160035-03 "Proposed Site Plan";
Dwg 160035-04 "Existing Ground Floor Plan";
Dwg 160035-05 "Existing First Floor Plan";
Dwg 160035-06 "Existing Second Floor Plan";
Dwg 160035-07 "Existing Elevations";
Dwg 160035-08 "Proposed Ground Floor Plan";
Dwg 160035-09 "Proposed First Floor Plan";
Dwg 160035-10 (Rev B) "Proposed Second Floor Plan";
Dwg 160035-11 (Rev A) "Proposed Elevations"; and
Dwg 4923-302 "Pedestrian Isochrone".

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: All of the conditions imposed on BR/270/16/PL shall remain in force except for condition 02 which is varied by this permission as set out in the new condition 01 above.
- 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.