

Recommendation Report for Planning Permission

REF NO: FP/164/25/PL

LOCATION: The Old Manor House
1 Summerley Lane
Felpham
PO22 7HN

PROPOSAL: Part change of use of East wing from dwellinghouse (Use Class C3) to guest accommodation (Use Class C1 / Sui Generis) comprising 6 No. en-suite guest rooms, with associated parking, bin and cycle storage, resurfacing of courtyard and minor external alterations. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

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|----------------------------|---|
| DESCRIPTION OF APPLICATION | As above. |
| SITE CHARACTERISTICS | The site is a two storey dwelling on the corner of Summerley Lane and Felpham Way. |
| CHARACTER OF LOCALITY | The site is in a predominantly residential area, with some commercial uses on the opposite side of Felpham Way. |

RELEVANT SITE HISTORY

| | | |
|-------------|---|----------------------------------|
| FP/76/20/HH | Single storey garage and storeroom/summerhouse at side of property. | ApproveConditionally 15-07-20 |
| FP/82/19/PL | Change of use from offices/residential use to dwelling house to include internal re-ordering, external improvements and associated works. | ApproveConditionally 03-06-19 |

Planning history noted.

REPRESENTATIONS

Felpham Parish Council - No objection.
 7 objections were received from nearby occupiers raising concerns about:

- Parking provision.
- Highways safety in respect of the access to the site, the junction with Summerley Lane and the suitability of the access road.
- Impact of cars parking on the road near the junction on highways safety and visibility around the junction with Felpham Way.
- Guests using Old Manor House Gardens as a turning area.

- Noise pollution.
- Building work at the property has been ongoing for a number of years, causing disturbance. Vehicle connected with this building work have previously blocked entrance to the close to the rear without warning.
- Impact on the privacy of neighbouring dwellings.
- Overdevelopment of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Concerns about parking, highways, privacy and disturbance are addressed in the conclusions. All applications are considered on their own merits, and disturbance caused by previous building work on site does not form a consideration in the determination of this consent.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection.

WSCC HIGHWAYS - No objection.

- WSCC Guidance for Parking at New Developments anticipates a parking demand of one space per bedroom for guest house/holiday let use. The proposal provides eight parking spaces for 6 guest bedrooms, including one accessible space. Staff parking and parking for the existing dwelling will be retained to the front of the site.
- Sufficient space is provided on site for vehicles to turn on site and exit onto the public highway in a forward gear.
- Secure and covered cycle storage is provided on site to encourage sustainable transport methods and reduce reliance upon the private car.
- The site is sustainably in walking distance of local shops and services, including bus stops providing access to Bognor Regis, Littlehampton and further afield.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

2km Boundary for SSSI

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

| | |
|--------|--|
| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards |
| DDM4 | D DM4 Extensions and alter to exist builds (res and non-res) |
| TOUDM1 | TOU DM1 Tourism related development |
| TOUSP1 | TOU SP1 Sustainable tourism and the visitor economy |
| TSP1 | T SP1 Transport and Development |

| | |
|--------|--------------------------------------|
| QEDM1 | QE DM1 Noise Pollution |
| QESP1 | QE SP1 Quality of the Environment |
| ENVDM5 | ENV DM5 Development and biodiversity |

Felpham Neighbourhood Plan 2019-31 Policy BT6 Tourism Activities

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 the proposals provide additional visitor accommodation and do not harm the character of the area or result in harm to neighbouring residential amenity.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area Boundary as set out in Arun Local Plan (ALP). The change of use is acceptable in principle subject to compliance with other policy considerations.

Felpham has a 'made' Neighbourhood Development Plan (FNDP). FNDP policy BT6, which encourages sustainable tourism, is relevant to this proposal.

The proposal seeks to change the use of part of the property from C3 dwelling to C1 Bed and Breakfast. This is acceptable in principle given its siting in a sustainable location in the Built-Up Area Boundary, within walking distance of some facilities and public transport services. The proposals would accord with ALP policy SD SP2 and the NPPF.

TOURISM

ALP policy TOU DM1 concerns tourism related development and states that proposals for visitor accommodation will be supported provided that they are in accessible locations, address visitor management issues, and achieve good design.

The application proposes 6 Bed and Breakfast rooms. The property is in a sustainable location, close to some local amenities and with public transport links to Bognor Regis and the surrounding area. The Council's Economic Development team are in support of the application, due to the identified need for further visitor accommodation in the area. As such, the proposal accords with ALP policy TOU DM1 and FNDP policy BT6.

CHARACTER AND VISUAL AMENITY

The proposals include minor external alterations to fenestration, which largely affect the south elevation. These would be visible from Old Manor House Gardens, but would not be easily visible from the public realm. The alterations include the installation of two Juliet balconies at first floor level and the replacement and repositioning of doors and windows on the ground floor. The overall visual impact of these alterations would be minor, and would not harm the character or visual amenity of the area.

There are alterations proposed to the area of hardstanding to the south of the property. The driveway would be resurfaced with permeable hardstanding and secure covered cycle parking and bin storage would be provided to the east of the vehicle entrance. The proposed alterations would not significantly alter the appearance of the site, and would not result in harm to the site's visual amenity in accordance with ALP policies D DM1 and D DM4.

The character of the property would be altered as a result of the change of use. The site has previously been used as commercial/office space, a care home and a dwellinghouse. The change of use to guest accommodation in use class C1 would not result in harm to the character of the area.

The proposals do not harm the character or visual amenity of the site or the surrounding area, in accordance with ALP policies D DM1 and D DM4.

RESIDENTIAL AMENITY

ALP policy D DM1(3) requires consideration of impacts on neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The alterations to fenestration which are proposed as part of the application seek to alter the placement and size of windows within the north and south elevations. There are existing windows at ground and first floor level on both of these elevations, and the proposed alterations will not result in additional views or overlooking effects.

The change of use to guest accommodation may result in some increase in occupation. The site has the potential to be a 15-bed dwellinghouse, according to the information submitted, and has previously had other, more intensive uses. Whilst there may be some increase in movements to and from the site, the application proposes accommodation only, with no other facilities provided on site. It is likely that guests would spend most of their time elsewhere in the area, returning to the Bed and Breakfast mainly to sleep.

It is unlikely that guests would cause significant disturbance. The change of use would not result in any significant increase in noise or disturbance, such that the residential amenity of neighbouring occupiers would be affected. Environmental Health raised no objection.

The development will not be unduly harmful to neighbouring residential amenity and accords with ALP policies D DM1 and QE SP1, and the ADG.

TRANSPORT

ALP policy T SP1 requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Arun District Council has adopted a Parking Standards SPD (Jan 2020) (APS). Principle 1 at para 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. Use Class C1 uses do not have a specific parking provision set out by the APS, and will be assessed on a case by case basis.

The site plan provided shows that provision would be made for parking 8 cars in the area of hardstanding to the south of the site. The proposals provide over 1 parking space per guest bedroom, which exceeds the one parking space per guest bedroom required by the WSCC Guidance for Parking at New Developments. The site also shows that parking for the existing dwelling and staff parking will be retained to the front of the site. The proposals also show secure and covered cycle storage to encourage sustainable transport methods. The site is sustainably located within walking distance of local shops and services, including bus stops providing access to Bognor Regis, Littlehampton and further afield. The parking is considered sufficient for the proposed use.

It is noted that a number of objection were received in relation with highways safety. WSCC Highways were consulted on the application and raised no objection, stating that the proposals would not add any significant traffic/capacity or safety related issues to the local highway network in this area. They conclude that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is therefore not contrary to NPPF para 116, and there are no transport grounds to resist the proposal. The proposal complies with ALP policy T SP1.

BIODIVERSITY

ALP policy ENV DM5 requires developments seek to achieve a net gain in biodiversity and protect existing habitats on site. A Biodiversity Enhancement Statement has been provided with the application, and states that 1 bat and 1 bird box will be provided on the existing dwelling, and new planting and a log pile will be provided where possible. These measures are acceptable, and will result in some increase in biodiversity on site. In order to secure these measures, a condition has been applied below. Statutory biodiversity net gain is not applicable to this development, and the application is in accordance with ALP policy ENV DM5.

SUMMARY

The proposal is compliant with relevant Development Plan policies and relevant paragraphs of the NPPF. 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 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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

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:

- Existing Location Plan and Block Plan E-001
- Proposed Site Plan P-001
- Proposed Ground Floor and Site Plan P-002
- Proposed First Floor Plan P-003
- Proposed Elevations P-004
- Proposed Biodiversity Layout Plan P-005

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 the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

4 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.

5 Notwithstanding the provisions of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order), the 6 No. bed and Breakfast bedrooms in the eastern part of the building shall be used for the purpose of holiday accommodation only and for no other purpose, without the prior permission of the Local Planning Authority. The guest bedrooms shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The application has been assessed on the basis that the guest rooms would not be used for permanent occupation. Use of the guest rooms as permanent residences may not provide an acceptable standard of residential amenity, and the condition is attached to ensure the development complies with Arun Local Plan policy D DM2.

6 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 grater 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).

7 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.