

Recommendation Report for Planning Permission

REF NO: FP/37/26/PL

LOCATION: White Horses
Clyde Road
Felpham
PO22 7AH

PROPOSAL: Change of use from guest house C1 to dwelling house C3. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	552sqm (Red edge).
SITE CHARACTERISTICS	The use of the site is a 5-bedroom Guest House with owner's accommodation on site. The use lies within a large plot with car park to the front and features a 2.5-storey flint and brick quoin building with slate tile roof and decorative ridge, and a rear garden. The site is accessed from Clyde Road. It is of note that the wider site includes 'White Horses Studio' which is understood to be an Art Studio owned and utilised by the applicants.
CHARACTER OF LOCALITY	The area is predominantly residential in character but notably includes Butlins to the west, and the Beachcroft Hotel almost immediately to the east.

RELEVANT SITE HISTORY

FP/245/03/	Change of use from Class C3 dwelling to C1 -Bed & Breakfast Guest House for 8 guests	ApproveConditionally 08-01-04
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The site has been subject to some minor extensions and alterations over the years, but none are of particular relevance to this proposal.

FP/245/03/ - This application granted a Change of Use of the property from a residential dwellinghouse to a guest house. It is contextual evidence that the site was originally a dwellinghouse before adopting its current use.

REPRESENTATIONS

Felpham Parish Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Economic Development - No objection:

- Based on the evidence provided, no objection is raised.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Flood Zone 2

Future Flood Zone + Climate Change (2070-2125)

Potential risk of Groundwater Flooding ($\geq 50\%$ $< 75\%$)

Erosion Risk buffer (200m)

2km Buffer for Site of Special Scientific Interest (Felpham and Bognor Reef)

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TOUDM1	TOU DM1 Tourism related development
ENVDM5	ENV DM5 Development and biodiversity
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 complies with relevant Development Plan policies in that the proposal would have no prejudicial impact on character or residential amenity, and that following review of the evidence, in this context, the loss of the tourist accommodation is justified and would have no significant harms on the local provision of tourist accommodation. Additionally, the proposal would reduce the flood risk vulnerability of the site.

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.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) under the de-minimis exemption.

CONCLUSIONS

PRINCIPLE

The site lies within the Built-up Area Boundary and is an existing, developed site. The proposal is acceptable, in principle, subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

CHARACTER

The site falls within a predominantly residential area and the property originally served as a dwellinghouse prior to its conversion between 2003 and 2006. The building has a residential character, and the change of use would not result in any adverse impact on the character of the area.

Certain elements of the guest house paraphernalia such as signage, would likely be removed following the change. The larger parking area to the front of the site would indicate a more commercial use at the site, but its removal does not form part of the proposal, nor would its retention harm the established character of the area.

There are no physical alterations proposed to the property.

The proposal is in accordance with ALP policies D SP1 and D DM1.

RESIDENTIAL AMENITY

The proposal would reduce the intensity of use at the site and its use would remain commensurate to the residential character of the area.

There are no physical alterations proposed that would lead to overbearing, overshadowing, or overlooking impacts on neighbouring properties.

The building would become a 6-bed dwelling and benefits from an internal floorspace in excess of the minimum requirements outlined by the Nationally Described Space Standards. The dwelling would benefit from a large front amenity space, which includes seating, and a rear garden approx. 10m in depth.

The dwelling would benefit from sufficient internal and external amenity space and would have no adverse impacts on neighbouring residential properties by way of noise, overbearing, overshadowing, or overlooking in accordance with ALP policies D SP1, D DM1, and QE SP1.

TRANSPORT AND PARKING

The site access would remain unchanged and the site includes parking provisions for up to four cars. This is sufficient parking for the proposed dwelling and is in accordance with the Arun Parking Standards.

The Arun Parking Standards outline that where a new house with a driveway or garage is proposed, at least one of the parking spaces are required to be served by an EV charging point. The proposal does not constitute a new house and so falls into the 'Other Development' category, which outlines that, at this time, 30% of the parking spaces are required to be served by an EV charging point. This equates to one EV charging point.

For the reasons outlined above, the Arun Parking Standards, and by extension, ALP policy T SP1, therefore, results in a requirement for the development to include a single EV charging point. That said, the site constitutes a guest-house with owners accommodation. The context of the application is one where the applicant already makes use of the site as a residential dwelling, and the proposal is, in effect, to simply cease the ongoing operation of the unit as a guest house. There are no physical works proposed, and there are no conversion works necessary. It is understood the applicants intend to remain as occupiers of the site given their current circumstances, and so there would be no short-term benefit to requiring the provision of an EV charging point. In this specific instance, it would not be reasonable to introduce the burden of providing an EV charging point.

ALP policy T SP1 does indicate that where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided. None has been provided in this context, but it does identify that there are circumstances in which a departure from the requirement of providing EV charging points may be justified. For the reasons outlined above, in this context, a departure from the requirement of providing an EV charger is agreeable. Notwithstanding the absence of an EV charging point, the provision of which is not reasonable and does not result in any demonstrable harm in this context, the proposal is in accordance with ALP Policy T SP1.

ENERGY EFFICIENCY

ALP Policy ECC SP2 states that all new residential development (including changes of use) will be expected to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable, and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels.

As a change of use only, parts a and b are not of relevance. Part c, however, sets the expectation that the proposal will incorporate decentralised, renewable, and low carbon energy supply systems, such as solar panels. The wider site makes use of solar panels, with 'White Horses Studio' already benefitting from solar panels on its southern roof slope. It is understood that the studio is an art studio primarily used by the applicants who currently reside within the main building, and therefore, it benefits from a direct and close association with the wider site. Given the context of the application and the lack of any physical works, this is sufficient to satisfy the expectation that the development incorporates the use of small-scale renewable energy systems. It would not be reasonable, in this instance, given the limited scale of the development, to impose the burden of introducing additional solar panels on site.

The proposal is in accordance with ALP policy ECC SP2.

TOURISM

ALP policy TOU DM1 states that existing visitor accommodation will not be granted planning permission for a change of use that leads to the loss of a visitor offer 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.

The proposal would result in the loss of visitor accommodation that offers five bedrooms. The site is a small-scale visitor offer adjacent to Butlins and the Beachcroft Hotel, and with approximately twelve Airbnbs within a 100m radius from review of the Airbnb website. It is clear there is significant local competition and a large supply of small, medium, and large-scale visitor accommodation nearby.

It is understood that the motivation to apply for the change of use stems from a mix of personal circumstances, the decline of the business, and the failed sale of the property as a guesthouse prior to the COVID-19 pandemic, when the site was operating with much greater financial success. Evidence has been submitted confirming the decline in profitability of the business over the last 10 years, with the last two years demonstrating a significant decline.

The Economic Development Team reviewed the submitted information, and while the evidence provided does not constitute a full viability appraisal, it has been concluded that the evidence is sufficient to confirm that the viability of the use has declined over the last 10 years, and that the sale of the property was not achievable prior to the evidenced decline. The Economic Development team raised no objection. The Local Planning Authority is aware that approx. 1km to the west of the site, central to Bognor Regis, a 116-bedroom 'Premier Inn' hotel has just finished construction and opened, which is likely to increase competitive pressure on the existing accommodation and make it even less likely to achieve a sale at present.

For the reasons outlined above, it is concluded that it is unlikely that the property would be reused/redeveloped as a guesthouse. It is also unclear that, given the character of the area, the site could viably be used for an alternative visitor offer.

While the evidence provided is not that specifically outlined by ALP policy TOU DM1, it is sufficient to conclude, that in this context, the existing visitor offer is no longer viable and is unlikely to be re-used/redeveloped as a visitor offer. Further, the loss of the small-scale accommodation in this context, will have limited harms due to the proliferation of tourist accommodation within the area. The proposal is in accordance with the aims of ALP policy TOU DM1.

FLOOD RISK

The site lies within Flood Zone 2 and flood risk on site is anticipated to increase in the future when accounting for climate change. The site is potentially at risk of groundwater flooding, though the Local Planning Authority are not aware of any such flood events having occurred historically.

In any event, the proposal does not change the vulnerability classification of the property, nor does it increase flood risk elsewhere. There is no sleeping accommodation at ground-floor at present, and no indication that internal layouts would alter as part of this proposal. Further, by removing the visitor accommodation associated with the site, the property would be occupied by fewer persons at any given time, thereby reducing flood risk overall.

While ALP policy W DM2 states that a Site-Specific Flood Risk Assessment should accompany applications in areas at risk of flooding. It is clear that the proposal would reduce flood risk overall on site and would not increase it elsewhere.

As a change of use only, the proposal is not required to be supported by a Sequential Test, nor by extension, an Exception Test.

While the proposal is in conflict with ALP policy W DM2 in that a Flood Risk Assessment has not been provided, it is clear that the proposal would result in a net reduction in on-site flood risk and would not increase flood risk elsewhere. As such, there are no identified harms in respect of flood risk, and the proposal remains in accordance with the aims of ALP Policy W DM2.

SUMMARY

The proposal is in technical conflict with ALP policies W DM2 and TOU DM1 in that a site-specific flood risk assessment did not accompany the application and the evidence specifically required by the policy TOU DM1 has not been submitted. For the reasons outlined in this report these conflicts do not amount to any significant harm as sufficient alternative evidence has been provided and the proposal remains in accordance with the aims of these policies. As such, the proposal 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

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 CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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:

 - Location Plan Site Block Plan Drg no. 466/01 Rev A.
 - Existing and proposed floor plans 466/02.
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SM1 and W DM2.
- 3 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).
- 4 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the NPPF.