

Recommendation Report for Planning Permission

REF NO: P/176/25/PL

LOCATION: 5 Lion Road
Pagham
PO21 3JZ

PROPOSAL: Change of use of C3 dwelling to a supported living home and the conversion of annex into 2 No self-contained independent living units.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the change of use of C3 dwelling to a supported living home and the conversion of annex into 2 No self-contained independent living units.
SITE CHARACTERISTICS	The site is a one and a half storey detached property in C3 use as a dwellinghouse, with an existing car port, garage and annexe to the rear.
CHARACTER OF LOCALITY	The site is within a residential area.

RELEVANT SITE HISTORY

P/154/07/	Rear single storey extension	ApproveConditionally 18-01-08
P/60/97	Car port	ApproveConditionally 22-07-97
P/79/90	New conservatory	ApproveConditionally 03-09-90
P/1/89	Recreational facilities to include sunroom,jacussi, lamp-room and snooker room to rear of house/garden	ApproveConditionally 20-03-89
P/126/87	Alter and enlarge present bungalow to create new chalet bungalow and garage	ApproveConditionally 26-10-87

Planning history noted.

REPRESENTATIONS

Pagham Parish Council - Support.

8 objections were received from nearby occupiers raising concerns regarding:

- Increased traffic
- Increased parking pressure
- The design and scale of the development
- The commercial nature of the development
- This type of accommodation should be accommodated within purpose built properties
- The residential character of the area, which is occupied by families
- Increased noise
- Over intensification
- Increased overlooking and overbearing
- Pressure on drainage systems
- Increased waste generation
- High levels of development in the area
- Vehicle report is inadequate

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. There is no operational development proposed and the design of the building, and its impact on neighbouring occupiers in terms of overbearing and overlooking will not be altered. The remaining comments are addressed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - Advice

- The development would not give rise to a significant material increase in trips compared to the existing use.
- Six off-street parking spaces are proposed, and based on the Technical Note provided, this is sufficient to meet the needs of the site.
- The site is in a sustainable location, and is accessible on foot, by bicycle and by public transport.
- Would not have an unacceptable impact on highways safety and there are no transport grounds to resist the proposal.

ENVIRONMENTAL HEALTH - No objection

NATURAL ENGLAND - Further information required.

- The site is within the Zone of Influence of the Pagham Harbour SPA
- Further information regarding mitigation measures (UU for management contribution) required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Built Up Area Boundary
 2km Buffer for SSSI
 Pagham Harbour Zone B
 CIL Zone 4

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DSP1	D SP1 Design
HDM2	H DM2 Independent living and care homes
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
QESP1	QE SP1 Quality of the Environment
ENVDM2	ENV DM2 Pagham Harbour
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, 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 proposal would deliver supported living accommodation in a sustainable location.

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 proposal is for the change of a building within the built up area boundary. The development is acceptable in principle, subject to compliance with other development plan policies.

CHARACTER AND CHANGE OF USE

The proposal is for a change of use from C3 residential use, to C2 use. The use of the property remains residential in nature, and would not be out of keeping within the area. The proposal would result in the loss of a C3 residential unit, however, the creation of C2 units is supported by Arun Local Plan (ALP) policy H DM2.

Residents have raised concerns about the intensification of the use. Whilst the annexe in the rear garden would be converted to residential, the number of bedrooms in the property would remain the same. The property may be occupied by a similar or greater number of people within its current C3 use. The supported living home would have 6 No. residents, which would not be out of character for a dwelling of this size.

The use of the property as a supported living facility would involve the employment of carers. During the day, 6 No. carers would be present, and would work a 15 hour shift, with the number of carers reducing to a maximum of 3 overnight. The carers would arrive and leave in staggered arrangement. The Planning Statement states the residents themselves would not have vehicles, but would also contribute to comings and goings from the site. On this basis there would not material increase in the number of vehicular movements compared to those which could be associated with a dwelling in C3 use. There may be some increase in comings and goings from the site more generally as a result of the change of use, however, this would not be so significant as to harm the character of the area, which would remain residential.

The proposal is in accordance with ALP policy H DM2, and would not harm the character of the area in accordance with policies D SP1 and D DM1.

RESIDENTIAL AMENITY OF FUTURE OCCUPIERS

The main dwelling would have 4 bedrooms, with a further 2 within the annexe. All bedrooms would exceed the minimum size recommended in the Nationally Described Space Standards. The occupants of the main house would share communal living, kitchen and dining spaces, and the units in the annexe would have private living/dining/kitchen areas with a shared bathroom. The units in the annexe would have floor areas of 32sqm and 40sqm, compared to the recommended area for a single unit of 37sqm. The units would have a generous shared bathroom, plus connection to the facilities within the main house, and the size of the units is considered sufficient.

The site has a large rear garden, which would provide sufficient external amenity space, in accordance with ALP policy H DM2 and the Arun Design Guide (ADG).

NEIGHBOURING RESIDENTIAL AMENITY

The change of use would not significantly increase the number of resident occupiers compared to the existing use as a dwelling. The proposed use may result in slight increase in comings and goings to and from the site, as a result of vehicular movements associated with carers, in addition to the comings and goings of residents. Given that residents would not own vehicles, the number of vehicular movements

would be comparable to those which could occur as part of the existing use.

The proposal would not result in any increase in activity or coming and goings so great as to cause demonstrable harm on the amenity of neighbouring residents as a result of noise or disturbance, and the use of the site would remain residential in nature. The proposal complies with ALP policy QE SP1 and D DM1.

TRANSPORT AND PARKING

WSCC Highways have not objected. Their response highlights the fact that the site is in sustainable location, and the proposed use would not give rise to any significant material increase in trips compared to the existing use.

There are 6 parking spaces proposed. WSCC Highways state that this would be sufficient for the proposed use. The Technical Note provided outlines the accessibility of the site, and the reasonable expectation that some staff would travel to the site by means other than private car. Whilst on street parking is not anticipated to be routinely necessary, there is availability of on street parking in this location.

The site is in a sustainable location, would not significantly increase traffic movements and provides sufficient parking, in accordance with ALP policies H DM2 and T SP1.

ECOLOGY AND BIODIVERSITY

There are no physical alterations to the dwelling proposed, and therefore the proposals will not impact on site biodiversity.

The site is within Pagham Harbour Zone B, and has the potential to impact the Pagham Harbour Special Protection Area (SPA). The proposal is for two separate residential units, and therefore has the potential to increase occupancy and the standard requirement for a financial contribution to manage visitor pressure on the SPA applies. This has been secured by way of a S106 Unilateral Undertaking. The proposal complies with ALP policy ENV DM2.

SUMMARY

The proposal complies with the relevant Development Plan policies, and 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 positive impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

- 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 and Existing Site Plans XX-XX-SI-0100 REVP01
- Proposed Site Plan XX-XX-SI-0110 REVP01
- Proposed Ground and First Floor Plans XX-XX-GA-1100 REVP03
- Proposed Elevations XX-XX-EL-3100 REVP01

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 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 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.

- 5 **INFORMATIVE:** A Pagham Harbour s106 Unilateral Undertaking relates to this planning permission.