

PLANNING APPLICATION REPORT

**REF NO:** BR/12/23/PL

**LOCATION:** Cordell House Rest Home  
120 Victoria Drive  
Bognor Regis  
PO21 2EJ

**PROPOSAL:** Change of use of a C2 Residential care home into an 8 No bed C4 House in Multiple Occupation (resubmission following BR/37/22/PL). This application is in CIL Zone 4 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	Permission is sought for the change of use from a residential care home for 8 elderly residents to an 8 bed House in Multiple Occupation (Sui Generis). The attached garage would be demolished, all existing chimney breasts would be removed.
SITE AREA	489.80 square metres.
BOUNDARY TREATMENT	Brick wall and hedgerow to the rear, brick wall with close boarded fencing on top along the southern boundary with gates (entrance to the site from Annandale Avenue), dwarf brick wall enclosing the front garden and brick wall along the northern boundary.
SITE CHARACTERISTICS	A detached 2-storey building on the corner of Victoria Drive and Annandale Avenue with a front garden of a good size and entrance to the garage from Victoria Drive to the north and rear garden with access from Annandale Avenue.
CHARACTER OF LOCALITY	The street scene (the north-eastern end of Victoria Drive entering Chichester Road) consists of Victorian style buildings. The local building heights differ but most properties are two storeys and most having a residential use.

<b>RELEVANT SITE HISTORY</b>
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BR/37/22/PL	Change of use from residential care home (Use C2) to a 10 bed House in Multiple Occupation (Sui Generis). This application is in CIL Zone 4 and is Zero Rated as other development.	Refused 08-07-22
BR/888/84	Use Of Existing House To Accommoate 8 Elderly Paying Guests	ApproveConditionally 23-01-85

Reasons for refusal on BR/37/22/PL:

In the absence of a signed s106 agreement relating to the recreational impact of the development on Pagham Harbour the development would fail to appropriately address the impact caused contrary to ENV DM2 of the Arun Local Plan causing harm to the importance and habitat of the area.

The roof, by virtue of its design, height and form would be out of character and have a significantly harmful impact upon the host dwelling and character and appearance of the locality in conflict with policies D SP1, D DM1 (1), D DM4 (a), (b), & (e) of the Arun Local Plan, Section M of Arun Design Guide and paragraphs 129 and 134 of the NPPF.

A s106 agreement has been submitted and there is no proposed roof extension in the current application.

## REPRESENTATIONS

Bognor Regis Town Council: Objection.

- Will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of residents in the area.
- It would involve anti-social blocking of driveways and overspill parking on roads.
- The change of use would result in an intensification of use, that adversely affects the character of the area, contrary to policies H SP4 and QE SP1 of the Arun Local Plan.
- Whilst it is noted that the Highway Authority consider there to be ample parking spaces within surrounding streets, this is not what residents of those streets are reporting to the Town Council.

2 letters of objection received:

- Parking is virtually impossible, another 10 residents with only half having vehicles would add to this horrendous problem.
- Victoria Drive is a dangerous two-way traffic road made difficult by street parking.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

- WSCC does not anticipate the change of use would result in a highway safety concern or give rise to a parking capacity issue.
- Other planning issues are addressed below.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection. Request a condition relating to construction hours.

DRAINAGE ENGINEERS: Due to the scale, location, and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

WSCC HIGHWAYS: The proposal would not have an unacceptable impact on highway safety or result in

'severe' cumulative impacts on the operation of the highway network.

PRIVATE HOUSING & PUBLIC HEALTH: Fire safety and Housing standards, including room sizes and facilities must be complied with.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:

- Zone B Pagham Harbour Buffer (5km)
- 2km Buffer of Bognor Reef Site of Special Scientific Interest
- 2km Buffer of Felpham Site of Special Scientific Interest
- Built-up Area Boundary
- WSCC Mineral Consultation Area

#### 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&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

#### 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.

There are no relevant Bognor Regis Neighbourhood Development plan policies.

#### **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 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.

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 development is in the built-up area boundary (BUAB) where residential development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other development plan policies covering such issues as change of use, impact on the character/design, residential amenity, highway safety, biodiversity, climate change and impact on Pagham Harbour. The key policies of the Arun Local Plan are D SP1, D DM1, H SP4, T SP1, ENV DM5, ECC SP2 and ENV DM2 of the Arun Local Plan and relevant paragraphs of the NPPF.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrated, and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy H SP4 deals with Houses in Multiple Occupation.

Policy SD SP1 of the Arun Local Plan states "When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 120 (d) of the NPPF advises decisions should promote and support the development of under-utilised land, especially if this would help to meet

identified needs for housing. Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

The NPPF's para. 12 requires that up-to-date Development Plan policies are the starting point for decision-making. In this case the relevant policy is Local Plan policy H SP4 which deals with Houses in Multiple Occupation is up to date.

Policy H SP4 (ALP) states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive, and mixed communities and meeting the detailed criteria relating to character, loss of family housing, generation of excessive parking and open space.

A further HMO would result in an increase of population in an already densely populated area. The impact of that and compliance with H SP4 (a), character and balance between housing types, are discussed below.

The applicant in the Design and Access Statement refers to a vehicle parking survey which shows that there would be enough roadside parking to accommodate the needs for the 8 bed HMO. As assessed below, no wider adverse highways impacts would result, and no objection has been raised by WSCC Highways. The LPA is required to assess any impacts on amenity deriving from the parking demands created.

The development would not result in the generation of excessive parking demands resulting in demonstrable harm to the amenity of the locality; it would not be contrary to criterion (b) of Policy H SP4 of the Local Plan.

The development includes 176sqm of private amenity space to the rear (11m deep 16m wide). No layout showing provision of bin storage (as described in submitted DAS) has been provided. One small outbuilding (shed for bicycles) at the end of rear garden is shown on the Site Plan. The development can accommodate at least 16 people. Notwithstanding above, the property is an 8-minute walk to Hotham Park and other parks in the locality. The development would be in a general conformity with criterion (c) of Policy H SP4 of the Local Plan.

The development is in a general conformity with Policy H SP4 (criteria b and c) of the Local Plan.

#### **CHARACTER OF THE AREA:**

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects like a reflection or improvement upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density and design features and maintaining character and local distinctiveness. Policy D SP1 requires all development proposals to make efficient use of land but reflect the characteristics of the site and local area.

Regarding criterion (a) of policy H SP4, there are existing HMOs in this area. Within a 50m radius of the site there are 5 HMOs and within 100m radius of the site there are 2 HMOs and further 2 within 130m: 73 Annandale Avenue, 114 Victoria Drive, 20-28 and 29-37 Carlingford Court, 1-9 and 123 Victoria Drive and 86 Annandale Avenue.

The use is incomparable to the C2 use and is materially different. Care Homes operate in a more controlled and holistic manner with single deliveries serving the whole building for food, a significantly reduced number of courier deliveries and visiting persons to residents being strictly controlled and they

provide employment. They do not contribute to the generation of excessive parking demands or traffic in an area. This is in significant contrast to the functional operation of buildings with multiple occupation. In principle, each HMO room functionally operates as its own self-contained residential unit of accommodation. It would generate its own waste requirements, own deliveries from couriers and own food deliveries.

An Article 4 Direction removing Permitted Development rights for smaller scale Houses in Multiple Occupation (i.e.C4 Use Class), has been recently implemented covering the three specific Wards of Marine and Hotham (Bognor Regis) and River (Littlehampton). The site is in Orchard Ward, outside of Article 4 area which also evidenced the large number of HMO's in those wards.

The character of the locality has an increased density derived from recent conversions of housing stock into smaller household types and conversions to HMO's. 20 Cordell House is already in use as an HMO. A condition will be imposed to limit the number of occupants up to maximum of 16.

The building is two storeys with a plain tile roof and textured render finish walls and vertical tiling between bay windows. The garage on the northern side would be removed and a new window would be inserted on north-western elevation. All existing openings on north-eastern elevation would be removed. A large window of the existing single storey rear extension would be bricked up and all chimney stacks would be removed.

The area is predominantly residential with a veterinary hospital opposite. There are 7 HMOs within a 100m radius and a larger number of residents in the dwelling would not be out of character in this location. The development would not result in an unacceptable increase of population in this area and would not affect its character.

The proposal complies with ALP policies D DM1 & H SP4 (a) and with the guidance on character within the NPPF. Criteria (c) and (d) of policy H SP4 will be analysed elsewhere in this report.

#### **NOISE & RESIDENTIAL AMENITY:**

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout and it takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The Council requires in policy QE SP1 all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity and policy QE DM1 seeks to protect against the impacts of new noise generating development.

Supporting text (para. 12.5.4) to HMO policy H SP4 indicates that many properties can accommodate a modest increase in occupancy which may well give rise to noise and disturbance.

The change of use from a home for 8 elderly people into an 8 bed HMO (capable of accommodating at least 16 people) gives rise to an increased occupancy and significant intensification of the use of the property. Whilst the HMO would result in an increase in external activity and thus, increase in noise levels, the use would be residential in character and have similar characteristics to residential properties in the locality.

There are no additional habitable windows at the first-floor level. Given the position of the property, an existing boundary treatment and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

The proposal would have minimal impact to users and occupiers of nearby properties considered to

result in adverse harm on neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1, QE SP1 of the Arun Local Plan and par 130(f) of the NPPF.

**PARKING, TRAFFIC AND HIGHWAYS IMPACTS:**

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards.

HMO policy H SP4 requires that HMOs (b) Do not contribute to the generation of excessive parking demands or traffic in an area.

The applicant proposes to provide cycle storage and 2 car parking spaces. A car parking survey conducted on the neighbouring residential streets reveals that out of the total 299 parking spaces, only 200 were occupied which gives a 66% occupancy rate.

WSCC do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposals would be in a general conformity with policies T SP1, T DM1 and H SP4(b) of the Arun Local Plan and ADC Parking Standards.

**PROVISION OF INTERNAL SPACE FOR PROPOSED FLATS AND HMO OCCUPANTS:**

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

The Technical Housing Standards (Nationally Described Space Standard) does not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's Environmental Health Private Housing Standards.

The Council's Private Sector Housing Officer has not commented but if the use does not meet the HMO Standards, this is likely to be identified as a hazard under the Housing Health and Safety Rating System (HHSRS). The HMO Officer can provide general advice in respect of fire safety, ventilation, and legislation requirements.

The proposed development, in planning terms, offers sufficient internal and external space and therefore complies with H SP4.

**WASTE STORAGE PROVISION:**

Policy WM DM1 of the Arun Local Plan affirms new residential development, including conversion of one dwelling into multiple units, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles and communal recycling bins and safe bin storage areas are available to occupiers of property.

In the DAS the applicant states: ' Each unit will be provided with 75 litres for bin storage and the same amount of storage is to be provided for recycling. This will be achieved by providing 1no. 1100 litre bins for waste and 1no. 1100 litre bins for recycling'.

Details of the bin storage enclosure can be conditioned; the development could comply with policies WM DM1 and H SP4 (para. 12.5.5) subject to condition.

**IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:**

ALP Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new residential unit was agreed by the Councils Cabinet on 10th April 2017.

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. The application results in recreational disturbance only to Pagham Harbour. Having considered mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an adverse effect on the Integrity of the European protected site(s).

Based on a net gain of 1 unit the £871 contribution should be paid. This will be secured by a Section 106 agreement and there is a compliance with policy ENV DM2 of the Arun Local Plan. At the time of writing, this has yet to be completed.

**CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:**

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. QE DM3 requires electric vehicle charge points.

As there are no decentralised, renewable and low carbon energy supply systems proposed, a condition would be necessary to secure compliance with the policy. A condition is proposed to ensure an electric car charge point is provided at the property. Subject to the conditions being discharged, the proposal would comply with policies ECC SP1 and QE DM3.

**BIODIVERSITY:**

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

The proposal is for a change of use with small external changes only. Submission of further information demonstrating what will be included within the scheme and what level of net gain will be created is required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions and complies with ENV DM4.

**SUMMARY:**

The conversion of this property represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date and so an approval would be in accordance with paragraph 11c of the NPPF and it is recommended that permission is granted subject



to conditions and the legal agreement.

## 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.

## SECTION 106 DETAILS

The decision would be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

## CIL DETAILS

This application is not CIL liable.

## RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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:

Dwg No 02, Location Plan;  
Dwg No 02, Site Plan;

Dwg No 07: B, Proposed Elevations;  
Dwg No 05: A, Proposed Ground and First Floor.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 The use hereby approved shall be for the benefit of a maximum of 16 occupants only.

Reason: To protect the amenities of the locality and adjoining property in accordance with policies D DM1 and H SP4 of the Arun Local Plan.

4 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

5 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the HMO approved by this application,. The details so approved shall be made available within one month of the approval and be retained thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

6 No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T DM1 of the Arun Local Plan.

7 Within one month of occupation of the HMO, the applicant or developer shall provide the electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

8 Within one month of occupation of the HMO, covered and secure cycle parking spaces shall be provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle parking shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

9 Prior to the occupation of the HMO approved by this application, a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved

scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 10 Within 3 months of the date of commencement of this permission details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 6 months of the date of approval of the details and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 11 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.

- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BR/12/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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