

PLANNING APPLICATION REPORT

**REF NO:** BR/77/24/PL

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

**PROPOSAL:** Change of use of a C2 Residential care home into a 9 No. bed C4 House in Multiple Occupation (following the grant of BR/12/23/PL) including changes to fenestrations and associated works. This application is in CIL Zone 4 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>This application seeks planning permission for the change of use from a residential care home for 8 No. elderly residents to a 9 No. bedroom House in Multiple Occupation (Sui Generis). The attached garage would be demolished, all existing chimney breasts would be removed.</p> <p>This is a revised scheme for approved application BR/12/23/PL, which has almost been fully implemented, but seeks only to subdivide an internal double room, and make some associated fenestration changes. The proposal has no increase in occupancy or other significant alterations over the approved scheme.</p>
SITE AREA	490sqm.
BOUNDARY TREATMENT	Brick walling and hedgerow to the rear, brick wall with close boarded fencing on top along the southern boundary with gates, open access entrance to the site from Annandale Avenue, 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 modest size. The site is under construction and has an access from Annandale Avenue and Victoria Drive into front and rear amenity spaces.
CHARACTER OF LOCALITY	The area consists of a number of Victorian style buildings, and more modern designs. There is a diverse character in the area, predominantly consisting of two-storey residential dwellings, some being terraced, some semi-detached, and others detached. In the more immediate vicinity they are large, detached dwellings with substantial rear amenity spaces.

<b>RELEVANT SITE HISTORY</b>
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BR/12/23/PL 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. App Cond with S106 19-04-23

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

**Appeal: Dismissed  
03-04-23**

BR/37/22/PL sought a change of use from a C2 Residential Care Home into a 10 No. bedroom HMO with associated extensions. It was refused in the absence of a S.106 agreement and due to the design of the roof to be extended and altered. The proposal was appealed and dismissed, upholding both reasons for refusal.

BR/12/23/PL gained approval for a previous iteration of this scheme which has now almost been fully implemented.

## REPRESENTATIONS

Bognor Regis Town Council: Objection:

- Despite approved application, BR/12/23/PL, the Town Council continues to object to this household type.
- Anecdotal evidence exists from nearby residents that there is on-street parking pressure here.
- Historical remote imaging shows cars parked up on pavements restricting pedestrian movements, particularly those with buggies/wheelchairs etc.
- This additional HMO will result in an intensification of a use that adversely affects the character of the area and cause harm to the amenity of local residents.
- Noting the proposal is contrary to Policies H SP4 and QE SP1 of the Arun Local Plan.

1 No. Objection from nearby occupier:

- Too many HMOs in the area, made worse by allowing even 2/3 bedroom homes to be turned into HMOs.
- Flats a suitable alternative.
- HMOs have negatively changed the character of Bognor Regis and the surrounding villages. It is no longer family friendly.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The approval and nearly completed development is a material consideration for the determination of this application, and it should be considered only as far as the proposal changes the approved scheme.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Private Sector Housing & Public Health:

- General advice and guidance on HMO License requirements and standards.

Natural England (29/05/24):

- No objection subject to securing appropriate mitigation for recreational pressure impacts on the European Sites.
- Natural England notes the Habitats Regulations Assessment (HRA) has not been provided with the application.
- Before deciding to give permission for the project, which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

Natural England (Sent 05/06/24):

- No response.

WSCC Highways - No Objection

- The proposal seeks to amend an approved scheme and does not request additional parking provisions and there are no apparent highway safety or capacity concerns.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A S.106 agreement securing financial contribution to mitigate for recreational impacts on Pagham Harbour has been secured.

General guidance around licensing for HMOs and Fire Safety provided by the Private Sector Housing & Public Health Team are informatives only and not a planning consideration.

### 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
- Article 4 Direction

### DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity

WMDM1 WM DM1 Waste Management  
HSP4 H SP4 Houses in multiple occupation

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11 Arun Parking Standards 2020

**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**

There have been no material changes to the policy considerations since the decision on BR/12/23/PL and all previously approved matters and policy considerations remain acceptable and the assessment of this application should primarily be confined to the changes listed below. The previously approved scheme is nearing completion, and is a legitimate fall-back position. All conditions applied to the previous application are reiterated as appropriate for this application.

The key Development Plan policies of relevance are D SP1, D DM1, D DM4, ENV DM1, ENV DM2, ENV DM5, ECC SP2, H SP4, QE SP1, WM DM1 & T SP1 of the Arun Local Plan (ALP).

Parts of Bognor Regis, including the site, have been made subject to an Article 4 Direction restricting changes of use from C3 (Dwellinghouse) to C4 (small HMOs) based on evidence that the proliferation of such uses in the area have become detrimental to its character. Whilst the proposal is for a larger HMO in the Article 4 area, it is material that the proposal is a revised iteration of an approved and nearly completed scheme, and the changes proposed in this iteration have no bearing on the abundance of HMOs in the area or any associated harms. The implications of the Article 4 Direction were considered previously, and did not establish a reason for refusal.

The changes proposed by this scheme over BR/12/23/PL include:

- Subdivision of 1 No. approved double bedroom into 2 No. single rooms.
- Slight variation of ground-floor rear access door and kitchen window to southeast (rear) elevation.
- Replacement of 2 No. ground-floor windows to southeast (rear) elevation (serving existing double room) with 2 No. smaller windows in similar locations to serve the resultant 2 No. single rooms.
- Render to ground-floor southeast (rear) elevation, replacing brickwork previously approved.
- Slight increase in size of window to bedroom No. 7 at first-floor.
- Removal of low boundary wall to northwest boundary and replacement with top soil and grass.

#### CHARACTER & DESIGN

The alterations outlined above are very limited and do not result in any significant change in scale, design, visual appearance, or bulk, and are acceptable in visual amenity terms. The alterations would not increase the occupation of the site and would otherwise retain the same character as that previously approved and substantially completed. The proposal remains compliant with Policies D SP1, D DM1, D DM4 & H SP4(a) of the ALP.

#### NOISE & RESIDENTIAL AMENITY

The alterations would have no significant additional impact to users or occupiers of nearby properties that would result in adverse harm of neighbouring amenity by way of overshadowing, overbearing, or overlooking. As such, the proposal accords with policies D DM1, D DM4 & QE SP1 of the ALP, and paragraph 135(f) of the NPPF.

#### BIODIVERSITY NET GAIN

The proposal is exempt from statutory 10% Biodiversity Net Gain however, is required to achieve a biodiversity enhancement under Policy ENV DM5 of the ALP. The proposal seeks to remove the low brick boundary wall to the northwest boundary and grass the area in question, providing a 0.5sqm grassed area. This would not achieve any reasonably meaningful enhancement, and as such a condition has been attached to require the installation of 2 No. bird boxes on site and achieve a biodiversity enhancement in accordance with policy ENV DM5 of the ALP. Given the limited scale of the works (predominantly internal and to existing development) this is acceptable.

#### PAGHAM HARBOUR SPECIAL PROTECTION AREA

Policy ENV DM1(c) of the ALP states 'Where appropriate the Council will ensure the effective management of designated sites through the imposition of planning conditions or Section 106 agreements as appropriate'.

Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour to make a financial contribution towards the provision and upkeep of accessible natural open green spaces to serve the area. A contribution of £950 per new residential unit has been agreed by the Council's Cabinet.

Whilst the proposal is only making minor changes to the approved and nearly built development, and its additional impacts are confined to the alterations of the previous scheme, the approval constitutes its own permission. As such, the legal requirement for the Pagham Harbour contribution via S106 remains necessary for this permission as it is a separate permission that could be implemented and S106 payments cannot be transferred to alternative schemes. The additional bedroom would constitute an increase of 1 No. separate residential unit despite the maximum occupation remaining the same.

The site lies in designated Zone B and the 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 £950 contribution should be paid. This has been secured by a Section 106 agreement as agreed with the applicant, and the proposal is in compliance with policy ENV DM1 & ENV DM2 of the Arun Local Plan.

#### **PARKING**

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 Arun Parking Standards (SPD) sets out the relevant vehicle/cycle parking and EV Charging 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 proposal will retain an on-site parking space and details of appropriate cycle storage provisions will be secured by way of condition. Whilst not submitted for this application, a car parking survey was conducted for a previous iteration of this scheme, which reviewed the neighbouring residential streets and revealed that out of the total 299 parking spaces surveyed, only 200 were occupied, giving a 66% occupancy rate. WSCC Highways reviewed this at the time and concluded it was acceptable. This position was reiterated by Highways for BR/12/23/PL. WSCC Highways have not objected to this proposal, again reiterating the view that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

The site is in a highly sustainable location, being within 700m of the Bognor Regis town centre, its various retail amenities and transport network provisions.

Given the survey is approx. 3 years old, it remains relatively up-to-date, and in the absence of an objection from WSCC Highways, the Local Planning Authority has no evidence to dispute its adequacy. It is acknowledged that anecdotal representations from residents and remote imaging of the area from sites such as 'Google Street View' do give weight to considering that on-street parking currently occurring may be occurring in high quantities, but the same remote imaging also shows numerous spaces vacant for on-street parking in the area. Nonetheless, a thorough parking survey remains a more appropriate evidence base from which to draw judgement on this matter.

A condition securing the provision of EV Charging points in accordance with the relevant quantity and details has been attached.

The proposals would be in a general conformity with policies T SP1 & H SP4(b) of the Arun Local Plan

and ADC Parking Standards.

#### **EXTERNAL AMENITY AREA**

The proposal provides approx. 230sqm of external communal amenity space, with the bulk of this being to the rear with surrounding boundary fences. This is sufficient outdoor amenity space provision for the number of residents in line with Section H.04 of the Arun Design Guide.

The proposal provides sufficient amenity space for the use in line with policy QE SP1 of the Arun Local Plan.

#### **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.

The previous application identified the provision 75 litres of bin storage per unit and for recycling. This would be achieved by providing 1no. 1100 litre bins for waste and 1no. 1100 litre bins for recycling. Details of these provisions were to be secured by condition previously, and it remains easily plausible that the same can be provided and secured by condition, and the development would therefore, comply with policies WM DM1 and H SP4 (para. 12.5.5) subject to condition.

#### **SUMMARY**

The proposal is a revised scheme of an approved application. The previous scheme is nearing completion and the differences in this scheme over the previous approval have been outlined and discussed above. The changes have little to no additional impact on the design, character, or intensity of the site compared to the previous scheme and remain acceptable. All conditions of relevance applied to the previous application have been re-applied to this application as they remain necessary, but do not require re-assessment within the consideration of this application as there have been no policy changes since their consideration previously, and remain unaffected by the differences proposed under this application. The proposal is in accordance with relevant Development Plan policies and 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**

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 £950 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 CIL liable.

**RECOMMENDATION**

**APPROVE WITH 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:

- Location Plan 01.
- Block Plan 04.
- Proposed Elevations - 9 Bed 07:C.
- Proposed Ground & First-Floor Plan 05:D.
- Landscaping - 9 Bed 101.
- Landscaping - 9 Bed 102.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 & D DM4.

- 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 not 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 The HMO hereby approved shall not be occupied unless and until details for the storage of waste and recycling on the site has been submitted to and approved in writing by the Local



Planning Authority.

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 car parking space(s) have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

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

- 7 Within one month of the occupation of the HMO, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being 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: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 8 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.

- 9 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 10 Within 3 months of the date of occupation of this permission 2 No. Swift Bird Boxes will be installed just below eaves height and on separate elevations of the building on separate elevations and remain thereafter in good working order.

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

- 11 **INFORMATIVE:** 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 minimus 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.

- 12      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 National Planning Policy Framework.
- 13      INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Pagham Harbour access agreement.

<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/77/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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