

PLANNING APPLICATION REPORT

REF NO: BR/154/19/PL

LOCATION: 8 Mead Court
Mead Lane
Bognor Regis
PO22 8BL

PROPOSAL: Change of use from single dwelling (currently used as a house in multiple occupation with 6 bedrooms) into a house in multiple occupation with 8 bedrooms including the conversion of existing integral garage into living area. This application may affect the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Use of existing house in multiple occupation for 8 people in 8 bedrooms including the conversion of existing integral garage into living area.
SITE AREA	327 sq metres
TOPOGRAPHY	Predominantly flat but the land rises slightly from Mead Lane.
BOUNDARY TREATMENT	2m listed flint wall to side (west), front (north) and timber panel fence to the rear (south) boundaries. 2m fence between 8 and 7 Mead Court,
SITE CHARACTERISTICS	Three storey end of terrace town house with integral garage, garden to rear and driveway with parking to front and side.
CHARACTER OF LOCALITY	Mead Court terrace is residential development in the Upper Bognor Road & Mead Lane Conservation Area, with grade 2 listed properties to the south. The Conservation Area boundary is on the west side of the grade 2 listed wall of 8 Mead Court and beyond that is Melanie's Garden's which is flats with communal gardens surrounding and University of Chichester on the other side of Mead Lane.

RELEVANT SITE HISTORY

BR/27/19/HH	Conversion of existing integral garage into living area. This application affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area & may affect the setting of a listed building.	ApproveConditionally 28-03-19
BR/280/17/PL	1 No. dwelling. This application may affect the setting of Listed Buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation	Refused 15-01-18

Area.

BR/197/07/	Ground floor lounge, kitchen & bedroom en suite extension.	ApproveConditionally 20-08-07
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Permission granted for a single storey side extension in 2007 hasn't been implemented. BR/27/19/HH approved a conversion of an integral garage into living area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council:- objection:

- Departure from Arun Local Plan Policy H SP4 whereby a House in Multiple Occupation should not adversely affect the character of the area, particularly when in a Conservation Area and affecting the setting of a Listed Building, including eroding the balance between different types of housing.
- Mead Court was built as terraced townhouses - their use should remain as intended.
- Loss of the integral garage further exacerbates a lack of parking provision associated with an 8-bedroom HMO and in contravention of Policy H SP4 resulting in excessive parking demands or traffic in an area and an increase in pressure for on-street parking spaces.

COMMENTS ON REPRESENTATIONS RECEIVED:

The existing is C4 use, a small HMO for up to 6 people, which benefits from permitted development rights. The proposal would not result in substantial change of appearance: the alteration of the garage door to French doors would have a marginal effect which would complement the appearance of the property and would not affect the character of the Conservation Area or a Listed Building setting. Permission for the garage conversion was granted on 28-03-19. WSCC-Highways state the plans meet the Vehicle Parking standards.

CONSULTATIONS

Conservation Officer

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The property is located in the Bognor Regis (Upper Bognor Road and Mead Lane) Conservation Area. The part of the Conservation Area where the development is located contains a mix of buildings of different styles and ages. There are three main uses within the Conservation Area; residential, education and leisure.

The property forms part of a terrace of modern three storey town houses off Mead Lane. The terrace is uniform in appearance and they haven't been significantly altered since they were constructed. The proposal will not affect the established character of the area, and complies with HER SP1 and HER DM3 of the Arun Local Plan (2011-31).

The application is considered to not cause harm to the significance of the heritage asset identified above. It should be determined in accordance with relevant Development Plan policies, along with these comments

You will also need to consider the contents of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

WSCC - Highways Authority

This Application is located on a PRIVATE ROAD off Meads Lane which is a publicly maintained unclassified highway subject to a 30 mph speed limit, because of this the Local Highways Authority (LHA) will supply comments for your Advice Only.

There is no evidence to suggest that existing access is operating unsafely. The plans meet the Vehicle Parking standards and Cycle Parking Standards set out by WSCC.

The Local Highway Authority does not consider this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application a conditions should be applied regarding cycle parking.

COMMENTS ON CONSULTATION RESPONSES:

Noted; no objections are raised by the statutory consultees subject to the condition.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer for the Sites of Specific Scientific Interest Bognor Reef and Feptham
- Pagham Harbour Zone B
- Built-up Area Boundary
- Conservation Area Upper Bognor Road & Mead Lane

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
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
ENVDM2	ENV DM2 Pagham Harbour
HERSP1	HER SP1 The Historic Environment

HSP4	H SP4 Houses in multiple occupation
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Bognor Regis has a "made" Neighbourhood Plan and relevant policy is 1.

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 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 or the setting of the Listed building, nor would it have an adverse impact upon the established character of the surrounding area.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 72(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it would not materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary and will be permitted subject to consideration against other policies in the Local Plan.

NEIGHBOURHOOD PLAN:

Policy 1 of the Bognor Regis Neighbourhood Development Plan - Delivery of the vision- requires proposals to identify the significance of any affected heritage asset and assess any harm and benefit.

HERITAGE:

Policy HER DM1 requires proposals affecting statutory Listed Building should protect, and if possible enhance the setting of the building. Policy HER DM3 stresses the preservation and an enhancement of the character or appearance of the Conservation Area, planning permission will be granted for proposal within or affecting the setting of a Conservation Area, provided it does not harm important views into, out of or within the Conservation Area.

NPPF para 190 states that the Local Planning Authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

The property is situated in the Bognor Regis (Upper Bognor Road and Mead Lane) Conservation Area with a Listed Building (Woodford House) to the rear. The proposal is for a conversion of the garage to habitable room and creation of further two bedrooms. These changes are predominantly internal with the replacement of an existing garage door with French window of the same outline and matching the fenestration. The development would not prejudice the setting of the Listed Building or character and appearance of the Conservation Area and would not cause harm to the significance of the heritage assets. The Conservation Officer hasn't objected. The development would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER DM1 of the Arun Local Plan and Policy 1 of the Bognor Regis Neighbourhood Development Plan.

HOUSES IN MULTIPLE OCCUPATION

Policy H SP4 the Arun Local Plan states that applications for HMOs will be favourably considered where proposals contribute to the creation of sustainable, inclusive and mixed communities and meet certain criteria.

The change of use would result in 8 bedrooms. It is noted the property obtained last year a HMO Licence for up to 8 people, what is considered as a large HMO (Sui Generis) in planning terms. This application is to establish the use of the property as a Sui Generis for more than 6 tenants. As stated in the Design and Access Statement, the large HMO is for use of students from the local college.

The property is a modern end of a terrace three storey town house with gated area of a reasonable size, capable to accommodate at least 4 cars and rear garden which would provide amenity space. The site is located a close distance from Hotham Park. It is considered the development would not adversely affect the character of the area and would not erode the balance between different types of housing given the location and character of the property which is part of a mixture of buildings of different styles and ages within area with three main uses residential, education and leisure.

IMPACT ON SSSI:

It is not considered that the development would have an impact on the Bognor Reef and Felpham SSSI or Pagham Harbour (Zone B) and would comply with policy ENV DM1 of the Arun Local Plan and policy 7 of the Bognor Regis Neighbourhood Development Plan.

AMENITY/NOISE:

The proposed change of use from C4 use to Sui Generis would unlikely have an unacceptable impact to users and occupiers of nearby property and land.

INTERNAL & EXTERNAL SPACE STANDARDS

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

However, the Technical Housing Standards (Nationally Described Space Standard) does not provide any relevant standards for Houses in Multiple Occupation. Instead, it is considered that regard should be had to Arun's own Environmental Health Private Housing Standards. As mentioned above, the proposal property has already obtained the HMO licence for up to 8 tenants.

CONCLUSION:

The proposed change of use and conversion of an existing garage to habitable use is considered to represent an efficient use of urban land and does so without compromising the visual amenities or character of the area, highway safety or the amenities of existing nearby residential occupiers. The proposal is considered to be sustainable development and also complies with all development plan policies. The recommendation to approve is therefore made subject to the following conditions.

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.

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 & Site Plan Rev B, dated 22/07/2019

Proposed Ground Floor Plan and Proposed Front Elevation, dated 11/01/2019

Proposed First Floor Plan and Proposed Second Floor Plan, dated 11/05/2019

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 No part of the development shall be first occupied until secure cycle parking as shown on the approved plans has been provided. The cycle parking shall be retained unless otherwise agreed by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

- 4 The use hereby approved shall be for the benefit of a maximum of eight occupants only.

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

- 5 **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.

BACKGROUND PAPERS

[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/154/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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