

REPORT UPDATE

Application No: BR/141/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

One additional letter of representation from a local resident commenting that:

- There is a mountain of cardboard in the skip outside and this suggests that refurbishment progress is well underway;
- The applicant knows the scheme will be approved or holds nothing but contempt for Arun's planning process as the committee has yet to formally decide on the proposal; and
- Is there a way of finding out if the applicant has orchestrated the result?

Officers Comment:

Planning permission is not required for internal works and in this case, provided that the change of use does not actually occur without there being a planning permission in place, there will be no breach of development control.

There are no changes to the recommendation, conditions or reasons.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: BR/141/18/PL

LOCATION: 26 Nyewood Lane
Bognor Regis
PO21 2QB

PROPOSAL: Change of use from dwelling (C3 Dwelling House) to 8 bed HMO (Sui Generis).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The HMO will consist of two bedrooms on the ground floor, four on the first and a further two in the roof. Each floor has a bathroom and there will be a shared kitchen and dining area on the ground floor. It should be noted that there are no changes proposed to the layout of the first or second floors and that the existing house has 6 bedrooms. Parking for three cars along the front.

SITE AREA

0.03 hectares.

TOPOGRAPHY

Predominantly flat.

TREES	None affected by the proposed development.
BOUNDARY TREATMENT	- Open to the front; - Mixed height timber fencing (1-1.3m) to no. 24; and - 1.6m high timber fencing to no. 26.
SITE CHARACTERISTICS	It was not possible to access the very rear of the garden to check the boundary treatment. Existing semi-detached two storey dwelling house with additional accommodation in the roof (1 small front & 1 small rear dormer). Six existing bedrooms spread over the first and second floors. The building is yellow rough rendered with a clay tile roof. Existing rear garden. Frontage parking for 3 cars.
CHARACTER OF LOCALITY	Predominantly residential but on the edge of a commercial area. Parade of shops opposite with flats above. Both adjacent properties contain flats with three at no. 24 and four at 28. Parking is restricted by a single yellow line on the application site side of Nyewood Lane. Parking on the opposite side is limited to designated 1 hour parking bays.

RELEVANT SITE HISTORY

BR/224/55/A	Conservatory And Conversion Alterations Summer House Coal House	Refused 27-02-56
BR/566/85	New Vehicular Access	ApproveConditionally 18-11-85
BR/797/79	Single Storey Extension To Rear For Shower Laundry Room & Lounge Area	Refused 20-02-80

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"OBJECTION on the grounds of over-development and that Members felt it would be the loss of a lovely family home that is so near to facilities."

In addition, 6 letters of objection raising the following concerns:

- (1) Over development - severe overcrowding & tiny bedrooms;
- (2) Ground floor shower & WC is accessed via the kitchen - not healthy in respect of food preparation;

- (3) Only one very small bathroom shared between four bedrooms;
- (4) Limited private amenity space;
- (5) Inadequate cycle stores;
- (6) Out of Character with surrounding area;
- (7) Already enough HMO developments in this area;
- (8) Bognor Regis has the highest concentration of HMOs in the Arun District. In addition, Marine Ward has one of the highest HMO occupancies in Bognor Regis;
- (9) Disappointment at how Arun Local Plan policies are not adhered to. In particular, the development is not high quality, will not positively enrich the environment, does not create a pleasant space/a sense of welcome, does not promote ease of movement, does not make good use of the built environment and does not conserve or improve the environment;
- (10) Collection of waste would not be possible without creating a considerable hazard to pedestrians;
- (11) Impact of the additional people on the existing foul drainage capacity;
- (12) Noise pollution plus no proposals to mitigate this;
- (13) HMO residents more likely to create noise, have parties etc;
- (14) Parking will add further congestion & restrict the safe crossing of roads by the elderly and young children;
- (15) Impossible to safely park more than three cars on the front;
- (16) Safe parking of vehicles;
- (17) Parking provision insufficient for 8 cars plus 4-6 for visitors;
- (18) Proposal will exploit people for profit;
- (19) Not clear how the proposal mitigates against climate change;
- (20) Unclear as to contribution to Pagham Harbour / Section 106;
- (21) Application states that work has not yet started yet internal building work started before the application was submitted; and
- (22) The house was previously occupied by a single person and not as ambiguously stated on the application as a 'Residential Home'.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect of the Town Council comments, it is not considered that the loss of a lovely family home is a material planning consideration. However, overdevelopment is and will be considered in the conclusions section of the report.

The following responses are offered in respect of the local resident objections:

- (1) Overdevelopment and room sizes will be considered in the conclusions section of the report;
- (2) This is not an uncommon layout and if it were a problem then the Council could choose not to grant a HMO Licence (this being a separate process to the planning application);
- (3) Room sizes will be considered in the conclusions section of the report. Furthermore, if this were a problem then the Council could choose not to grant a HMO Licence;
- (4) This will be considered in the conclusions section of the report;
- (5) No cycle stores are currently shown but a condition will be imposed to require cycle storage to be provided;
- (6) Character will be considered in the conclusions section of the report;
- (7) & (8) Noted. This will be considered with regard to character in the conclusions section of the report;
- (8) Noted. This will be considered with regard to character in the conclusions section of the report;
- (9) Noted. These objections relate to paragraph 13.1.4 of the Design section of the Arun Local Plan which sets out policy objectives.
- (10) Waste will be collected from the roadside in the same way as waste would be collected for a single dwelling. It is accepted that a greater number of bins will need to be outside the property on collection day but this will only be a temporary impact. A condition will be imposed to require approval of waste

storage details;

(11) It is noted that the property already benefits from a foul sewer connection. The applicants may need to obtain consent from Southern Water to intensify this connection but this is a separate application process;

(12) The Councils Environmental Health are the experts on noise pollution and they do not have any comments on the application;

(13) This allegation is not backed up by any evidence;

(14) Parking will be considered in the conclusions section of the report;

(15) The application form states that only three parking spaces are available on the frontage;

(16) - (17) Parking will be considered in the conclusions section of the report;

(18) This is not a material planning consideration;

(19) A condition could be imposed to require the fitting use of energy efficiency measures and renewable energy sources;

(20) The Council's policy is not to require a Pagham Harbour contribution on new HMO's;

(21) Planning permission is only required for the change of use not for any internal alterations; and Application states that work has not yet started yet internal building work started before the application was submitted; and

(22) A residential home is the same as a residential dwelling house.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Raise no objection subject to a condition to secure cycle storage. Comment that:

- Whilst there is no turn on site the parking arrangements have been operating without evidence of highway safety concern and the change of use is not anticipated to alter this;
- WSCC Parking standards require a maximum car parking standard of 0.5 spaces per room/unit for an HMO;
- Therefore, up to 4 spaces would be required;
- There are extensive parking restrictions on the nearby road network that would deter any overspill parking from occurring in locations that would be detrimental to highway safety;
- There are also options for sustainable transport such as by foot, bicycle, bus and Bognor Regis Train Station (which is 5 minute cycle ride away); and
- Do not consider that the 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.

ADC ENVIRONMENTAL HEALTH - Advise no comment.

ADC PRIVATE SECTOR HOUSING - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Class C Road; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
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
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

There are no relevant Bognor Regis Neighbourhood Development Plan policies to consider.

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 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.

OTHER MATERIAL CONSIDERATIONS

It should be noted that there are permitted development rights to change a C3 dwellinghouse to a HMO of up to 6 persons living together as a HMO (class C4). It should also be noted that the property is an existing 6 bedroom house.

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as character, residential amenity, noise, highway safety & parking and space standards.

Regard should also be had to policy SD SP1 of the ALP which states that: "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)." It is considered that the site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

Paragraph 118 (d) of the NPPF states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". It goes on within the relevant footnote to state that: "As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings".

PLANNING POLICY ON HMO's:

Arun Local Plan policy H SP4 states that:

"Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing;
- b. Do not contribute to the generation of excessive parking demands or traffic in an area;
- c. Provide adequate areas of open space."

The above criteria will be addressed in the following sections of this report.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

There are no changes proposed to the external appearance of this building and therefore, it is only relevant to consider the impact of this new HMO on the established character of the area. It is noted that the area is mixed with residential properties on the eastern side of Nyewood Lane but then a parade of shops opposite, further shops & dwellings on Aldwick Road and then dwellings on the remainder of Nyewood Lane. Furthermore there are existing flats above the shops opposite and also within both of the adjacent former single dwelling houses. There are also purpose built flats on Nyewood Lane to the south. In addition, no. 17 and no. 19 to the immediate southeast either are currently or formerly were guesthouses. It is not therefore considered that a new multiple occupancy dwelling would be out of character in this mixed location.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D SP1 and with the guidance on character within the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered that a residential use, albeit an intensified one would be considered to be a noise generating form of new development. The use remains as residential and will therefore have similar characteristics to other residential properties within the locality. Furthermore, with the property housing 8 unrelated people, it is considered highly likely that the occupiers will limit noise levels in order to avoid conflict with their housemates. Arun DC Environmental Health Officers have not raised any objections to the application.

There are no new windows proposed and the only changes in room type are to the ground floor with a front living room becoming a bedroom and a rear dining room becoming additional space to a large bedroom. As such, the only new overlooking impacts that will occur will be those that are screened out by existing boundary treatments.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex Highways have assessed the application and advise no objection subject to the provision of cycle storage which can be achieved within the rear garden. They do not consider the parking arrangements to be unsafe. They do note that the proposal provides for one less space than as required by the Parking Standards. However, these are maximum standards and it is considered appropriate to

allow an under provision due to the highly sustainable location of the site and the ability for cars to park elsewhere in the locality without being detrimental to highway safety. WSCC Highways therefore do not consider that the proposal would have a 'severe' impact on the operation of the highway network.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with the guidance on highways within the NPPF.

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.

The standards reference the following two documents: "LACORS Promoting Quality Regulation" (LGA) 2009 and "Chichester and Arun Landlord Accreditation Scheme Standards" 2013. The Chichester and Arun Landlord Accreditation Scheme Standards 2013 include several requirements such as number of bathrooms/toilets, number of electric sockets per room, kitchen facilities, heating, waste disposal, energy efficiency and windows. These would all to be adhered to in order to receive a licence from the Council. The room size requirements forming part of the license process are as follows:

- (1) 6.5m² for a single bedroom where a lounge and kitchen or adequately sized kitchen diner is shared.
- (2) 10m² for a single bedroom where a kitchen is shared without a shared lounge.
- (3) 10.5m² for a double bedroom where a lounge or dining room or adequately sized kitchen diner is shared.
- (4) 12m² for a double bedroom where a kitchen is shared without a shared lounge area.
- (5) 13m² for a one roomed unit with kitchen facilities for a single person.

In the case of this application, nos. (1) & (3) would apply i.e. 6.5m² for a single bedroom and 10m² for a double bedroom. All of the rooms comply with the smallest bedroom, 7.5m² and the largest 18.5m².

ALP policy H SP4 requires that proposals provide adequate areas of open space. However, the council does not currently have any size guidance on external amenity space or gardens. The proposal benefits from a rear garden which will be shared amongst the residents such that they will be able to sit outside. Furthermore, the site sits within only a short walk of Marine Park Gardens and the beach to the south. It is considered therefore that residents will be able to easily access outdoor places for recreation etc.

It is therefore considered that the proposal complies with the relevant internal and external standards.

SUMMARY

The proposed conversion of this property 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:

1:1250 Location Plan; and
Existing & Proposed Floor Layouts.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and H SP4 of the Arun Local Plan.

- 3 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 submitted to and approved 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 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved

scheme shall thereafter be implemented prior to occupation of the HMO use 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.

- 5 Details of the proposed storage of waste & recycling bins at the property shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any part of the approved development. The approved facilities shall be provided prior to the first occupation of the building and be retained unless otherwise agreed in writing.

Reason: To protect the amenity of the Nyewood Lane street scene and the amenities of nearby residents in accordance with Arun Local Plan policies D DM1, D SP1 and WM DM1.

- 6 All bathroom/toilet windows shall be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers and of the adjacent properties in accordance with policy D DM1 of the Arun Local Plan.

- 7 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.