

Recommendation Report for Planning Permission

REF NO: BR/162/21/PL

LOCATION: 35 Glamis Street
Bognor Regis
PO21 1DJ

PROPOSAL: Application for the continued use as a 7 No. HMO (Sui Generis) due to change of ownership.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Planning permission is sought for a 7 room 7 bed HMO, to regularise the continued use as a large HMO (Sui Generis). The HMO will consist of two bedrooms on the ground floor, three on the first and two bedrooms in the roof space. There is one bathroom, shower room and toilet on the first floor and a shared kitchen/dining area and a small lounge with a utility room, shower room and toilet to the very rear on the ground floor.

SITE AREA 200 square metres.

BOUNDARY TREATMENT Dwarf wall to the front and western site, timber panel fence to the west, brick wall to the rear.

SITE CHARACTERISTICS Two storey end terrace property with a double bay window and an attic situated on the junction of Glamis and William Street. There is a small garden to the rear and a front garden. The property is a Building of Special Character (locally listed building) with brickwork elevations and a dual pitched slate tile roof with front gable end and bargeboard feature and is used as an Student HMO.

CHARACTER OF LOCALITY Glamis Street is a mainly residential street in Bognor Regis with a primary school on the eastern side of the street, opposite the site. The area has a built-up urban character. The properties are mainly 2 and 3 storey terrace properties of varying age and design, including a few terraces made up of Buildings of Special Character (locally listed) and a post-war block of flats at the northern end of the street. The properties tend to have small front garden areas or directly abut the highway/footway, low boundary walls, and there is mainly on-street parking.

RELEVANT SITE HISTORY

PAA/25/20/

Proposal for three storey block of 8 No. flats (6 x 1 beds and 2 x 2 beds), with associated bin store and cycle parking.

Refuse Pre App
03-04-20

No relevant history. .

REPRESENTATIONS

Bognor Regis Town Council: No objection.

No letters of representation received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

PRIVATE HOUSING & PUBLIC HEALTH: No objections to continued use as a 7-person HMO as long as the property continues to fulfil the Council's HMO Standards for the relevant HMO use, is fully licensed at all times that it is required to be, and complies with all Housing legislation including the Health & Safety Rating System (HHSRS) and is free from Category 1 and significant Category 2 Hazards.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

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

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HSP4	H SP4 Houses in multiple occupation

QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

Policy 1 within the Bognor Regis Neighbourhood Plan is relevant to the determination of this application.

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 is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering such issues visual/residential amenity, highway safety and parking.

Regard should be had to policy SD SP1 of the Arun Local Plan which 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."

The NPPF supports the effective and efficient use of land for sites in the built up area but advises that new development should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

The proposal is acceptable in principle given its location in a sustainable location in walking distance of a range of shops, facilities and services. There are frequent bus services on Lyon Street and Bognor Regis Railway Station is within a walking distance.

Since the proposal is for a Large HMO it should be assessed against the Arun Local Plan policy H SP4.

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:

- 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.

CHARACTER OF THE AREA:

Policy D SP1 (ALP) requires development to make efficient use of land but reflects the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 (ALP) sets out a 15-point criteria against which the design of new development should accord with. Criteria 1 requires development to reflect or improve upon the character of the site and surrounding area.

Arun Local Plan policy HER DM2 seeks to protect the setting of buildings on the Local List and development proposals should relate sensitively to such buildings and respect their architectural, landscape or historic interest.

Policy 1 of the BRNP refers to proposals concerned with designated and non-designated heritage assets which must identify the significance of any affected heritage asset and assess any harm and benefit.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

Paragraph 130 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)."

The property has been designated by the Council as a Building of Special Character (locally listed building) and it was in use as a 'Student HMO' since 2013, having an HMO Licence with a maximum in number of occupiers 7 which was renewed in May 2018. The applicant in confirms that the property was used for 6 persons only. There are no changes to the external appearance of the building, and it is only relevant to consider the impact of the HMO on the established character of the area. The area is mixed with residential properties on the western side of Glamis Street with St Mary's RC Primary School opposite with a purpose built flats towards Hotham Park. Given the existing use of the property and the character of the area it is not considered a multiple occupancy dwelling would be out of character in this mixed location.

Paragraph 12.5.5 of the Local Plan (HMO) also makes it clear that 'larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation.'

The proposed refuse storage for is shown on the submitted plans. Given the existing use of the site as a small HMO, the development would unlikely generate considerably higher levels of waste.

It is considered the proposal complies with Arun Local Plan policies D DM1, D SP1, HER DM2 & H SP4 (a) and with the guidance on character within the NPPF.

Criteria (b) and (c) of policy H SP4 will be analysed elsewhere in this report.

RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

Arun Local Plan 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."

Policy QE SP1 states: "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."

Proposal will need to be supported by:

- a. Evidence to demonstrate that there are no suitable locations alternative;
- b. A noise report; and
- c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity.

35 Glamis Street has been used as a small HMO (up to 6 people) for almost eight years and the proposed use would be of the same nature providing accommodation for 7 students instead of 6 therefore it would not result in a considerable intensification.

The use remains residential and will have similar characteristics to residential properties in the locality. The noise report and evidence in this case is not required given the nature of the development. It is considered the use will not adversely affect the residential amenity of the area in respect of noise

pollution to a greater degree than that of a recent use. In addition, St Mary's RC Primary School is situated opposite of the proposal property.

There are no internal changes proposed, therefore there would not be any new overlooking impacts that would occur.

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

HIGHWAYS, TRAFFIC AND PARKING

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f) (iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles. Policy H SP4(b) makes clear the provision of HMOs should not contribute to the generation of excessive parking demands or traffic in the area.

Para 110 of the NPPF states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para 111 states 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.

The Arun Parking Standards 2020 have no specific category for HMO use but at Table 3.1 shows the Expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms.

The applicant does not demonstrate any vehicular parking provision, however there are covered cycle parking facilities proposed to the rear of the garden which would help promote the use of sustainable alternative modes of transport to the private car.

Since the proposed is a slight intensification of an existing use and given the sustainable location of the site the development would be in a general conformity with policy TP1 of the Arun Local Plan and with criterion (b) of Policy H SP4 of the Local Plan.

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".

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 standards reference the following 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 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 need 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, all of the rooms comply with the above requirements

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

PROVISION OF OPEN SPACE

Policy HSP4, criterion c. requires provision of adequate areas of open spaces.

A small garden to the rear is provided and there is an easy access to public open spaces like Hotham Park in a distance of 120m. The sea shore is approximately 500m away.

On the basis of the above, the development complies with Policy H SP4(c) of the Local Plan.

CONCLUSION

The continued use of this property as an HMO for 7 persons 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 a sustainable development and complies with development plan policies. The recommendation to approve is 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.

SECTION 106 DETAILS

A Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

CIL DETAILS

This application does not propose any increase in floor space and would therefore not be subject to Arun District Council's Community Infrastructure Levy.

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:

Dwg No PL01, Location Plan;
Dwg No PL02 Rev A, Block Plan (Access to Cycle Storage);
Dwg No PL03, Existing Floor Plans.

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 seven 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.
- 4 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
- 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.