

REPORT UPDATE

Application No: BR/162/25/PL

Reason for the Update / Changes

Reasons for Update/Changes:

Objection from Economic Regeneration received:

- Concerns regarding the loss of tourist accommodation.
- Concerns with the creation of another HMO in a ward with an overconcentration.
- Concerns about potential for increases in anti-social behaviour as a result of an overconcentration of HMOs.

The completed S.106 Unilateral Undertaking to secure the relevant financial contribution for mitigation against recreational pressures to the Pagham harbour SPA has now been secured.

To clarify and correct an error within the 'CHARACTER OF THE AREA' section of the report which refers to the installation of a side door.

Officers Comment:

The loss of tourist accommodation and the over-concentration of HMOs within the area has been considered within the report. There are no changes to the conclusions, recommendation, or conditions in respects of these matters.

The proposal is now compliant with ALP policy ENV DM2 following the completion of the S.106 Unilateral Undertaking.

In respects of the reference to a side door, this is an error. There is no side door to be installed as a part of the proposals.

This update does not impact the conclusions, recommendation, or conditions for this application.

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/162/25/PL

LOCATION: 90 Aldwick Road
Bognor Regis
PO21 2PD

PROPOSAL: Change of use from C1 (9 bed) (Bed and Breakfast) to a 9 bedroom, 9 occupant HMO (Sui Generis) with minor internal alterations. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the use of a 9-bedroom Bed and Breakfast (C1) into a 9-bed 9-occupant House in Multiple Occupation (HMO) (Sui Generis) alongside minor alterations.
SITE AREA	513sqm.
BOUNDARY TREATMENT	Low brick boundary walling with access spaces along the southern boundary, eastern boundary, and part of the northern boundary alongside a single storey outbuilding and garage. Tall close boarded fencing to the western boundary.
SITE CHARACTERISTICS	The site comprises a three-storey building serving as a 9-bed bed and breakfast with hardstanding to its forecourt, side, and to the rear of the plot where formalised parking bays are present. To the rear is a single storey rendered building with an attached single storey flat roof garage. The site has a low brick boundary wall to its street facing elevations and is a prominent corner plot with its building being to the end of an attractive terrace fronting Aldwick Road.
CHARACTER OF LOCALITY	The area features a dense urban grain with terraced residential dwelling forming the most dominant form of development. To the south is a corner parade of shops with flats above. Further east on Aldwick Road is a notable proliferation of retail units and commercial uses. A modest distance the south is the coast and Marine Park Gardens, and to the southwest is West Park (both public gardens).

REPRESENTATIONS

Bognor Regis Town Council - Objection:

- The introduction of an additional HMO would cause adverse harm to the character of the area by resulting in an imbalance of uses by eroding household types.
- The provision of only two car parking spaces would create excessive parking demand, harming local amenity.
- The proposal is contrary to ALP Policy H SP4(a) and H SP4(b).

3 Letters of objection:

- Concerns regarding the overconcentration of HMOs in the area and consequential adverse impacts on character, cohesion, quality of life, and anti-social behaviour.
- Concerns regarding additional parking pressures.
- Concerns regarding waste management and the effective management of HMOs.
- Queries as to whether the proposal is retrospective.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Relevant planning matters are discussed in the conclusions section of this report. The Council have no evidence that the proposal is retrospective.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

Private Sector Housing:

- Guidance pertaining to HMO licenses and requirements provided.

Natural England:

- Further information required in relation to the potential for increased recreational pressures on Pagham Harbour due to its siting within the sites Zone of Influence.

- Discretionary advice regarding Sites of Special Scientific Interest also provided.

WSCC Highways - Consultation response pending at the time of writing this report.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. HMO licensing is a separate matter and the guidance provided is helpful for the applicant but not of direct relevance to the consideration of this application.

Natural England's response was received prior to the completion of the S.106 agreement submitted with this application that secures financial contribution for the mitigation of recreational pressures on Pagham Harbour. Following the completion of the S.106 agreement, the concerns pertaining to potential recreational pressures adversely impacting Pagham Harbour will have been sufficiently mitigated. At the time of writing, the S.106 agreement has not been completed by Legal Services. It is anticipated to have been completed by the Committee date.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Article 4 Direction.

Pagham Harbour Zone B.

2km Buffer for a Site of Special Scientific Interest (SSSI) (Bognor Reef).

Potential susceptibility to Groundwater Flooding $\geq 25\%$ $< 50\%$.

Low risk of Surface Water Flooding.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
HSP4	H SP4 Houses in multiple occupation
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM2	W DM2 Flood Risk
TOUDM1	TOU DM1 Tourism related development
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment

TSP1 T SP1 Transport and Development

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, 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.

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 has technical conflicts with relevant Development Plan policies due to shortfalls of adequate onsite amenity spaces and parking provisions, the lack of a Site-Specific Flood Risk Assessment, and that it has not justified the loss of the tourist accommodation.

The proposal otherwise complies with relevant Development Plan policies in that it would not unacceptably compromise the character of the area and provides sufficient amenity for the residents.

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 other material considerations to be weighed in the balance with the Development Plan. These considerations are discussed within the conclusions section of the report below.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area Boundary (BUAB) where development is acceptable in principle subject to the consideration of other relevant Development Plan policies in accordance with Arun Local Plan (ALP)

Policy SD SP2.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year Housing Land Supply (HLS), para 11(d) of the NPPF and the application of the 'presumption' in sustainable development is triggered.

On 18 January 2023, Arun District Council (ADC) confirmed a non-immediate Article 4 Direction to remove permitted development rights for the change of use from a dwellinghouse (C3) to a House in Multiple Occupation (HMO) for occupation by up to six persons living as a single household (C4). This came in to force on 19 January 2023. Wards with high levels of HMOs and with high proportions of hazards or in despair were the starting point when considering the imposition of the Article 4 Direction.

The area the Article 4 direction applies to the Marine ward (Bognor Regis) in which the site is located. The wards to which the Article 4 Direction applies are those where existing or future high concentrations of HMOs are considered likely to be harmful to the amenity or wellbeing of local residents and communities.

The analysis supporting the Article 4 Direction showed that the percentage of the private rented sector in the Marine ward is 52.8% whilst the national average is 19%. Marine ward has approximately 193 HMOs, making up approximately 10% of the private rented housing stock, and had some of the highest levels of anti-social behaviour within the District within 2019-2020. As the proposal would result in the introduction of a new HMO and is in Marine ward, the evidence base supporting the Article 4 Direction is a material consideration.

ALP Policy H SP4 states that where applications for HMOs are not covered by permitted development rights (removed in this case under Article 4 Direction) they will be favourably considered where proposals contribute to the creation of sustainable, inclusive, and mixed communities and meeting the detailed criteria as set out below:

- 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

ALP Policy H SP4 requires that HMOs (a) Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing. The supporting text (12.5.1) states 'In providing for the housing needs for Arun, it is important to ensure that mixed and balanced communities are developed so that situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing, are avoided.'

90 Aldwick Road is a 9-bed Bed and Breakfast and forms the end plot within a three-storey terrace of properties that front Aldwick Road with decorated frontages. It is surrounded by hardstanding that serves as a forecourt, side access route, and rear courtyard with parking. The site includes a single storey rendered building with slate roof and an attached single storey flat roof garage to the rear of the plot. Due to the low boundary walling and its positioning to the corner of Aldwick Road/Nyewood Lane, the property is prominent in the street scene.

Minimal external changes were originally proposed, with the only changes of note being the installation of a side access door, the provision of timber bin stores to the front, and cycle parking the side of the plot. The positioning of bin stores in the format proposed is coherent with similar arrangements found at the

immediate neighbouring plots, and the installation of a side door and cycle parking provisions would have no harm to the overall visual amenity or character of the plot or the street scene.

During the lifetime of the application, further minor alterations were requested to provide greater amenity for intended residents and mitigate potential impacts on the highway network by introducing an additional parking space to the rear. The alterations included the erection of a privacy fence that runs off of the northeast corner of the building and returns to the western boundary to enclose an area of turf and hardstanding, and turning the rear ground-floor access door to the north elevation into an emergency access door only, with additional privacy measures in the bedroom 2. It included the use of the existing garage to the rear to be made available for smaller vehicles to be parked if necessary. These alterations allowed for the provision of a modest, private external amenity space to provide some opportunity for various residential activities such as the airing of laundry or socialising. These amendments were agreed by the applicant and amended plans were submitted to reflect the changes.

Physical alterations proposed are minor and would not result in demonstrable harm to the visual amenity or the character of the site or the area. The change of use would result in the existing tourist accommodation becoming a residential use, albeit a more intense use than traditional Class C3 residential dwellings, but a residential use, nonetheless. The character of the area is predominantly residential in nature and thus, the proposal would not be out of character with the prevailing use of the area.

The proposal is in accordance with ALP policies D SP1 and D DM1.

ALP Policy H SP4 and its preamble advise that communities can become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing. Neither ALP policy H SP4 nor its supporting text set out a specific threshold or limit to the number/proportion of HMOs that would be acceptable. However, two recent appeal decisions are of note:

- BR/168/23/PL pertained to an application for the change of use of a dwelling to an HMO within Hotham Ward. The Inspector allowed the appeal and referred to less than 5% of properties within 250m of the site being HMOs as an acceptable threshold.

- BR/111/24/PL pertained to an application for the change of use of a dwelling to a HMO within Marine Ward. The Inspector allowed the appeal and identified HMOs to form less than 10% of the overall stock in the ward, and that as less than 5% of properties within 150m of the site were HMOs, it was acceptable.

For consistency with previous appeal decisions, officers have undertaken an assessment of HMO numbers within a radius of 250m of the site and to provide an objective assessment relevant to this site. There are 997 residential properties within a 250m radius of the site, and 20 of these are HMOs. The ratio of HMOs to independent residential units within 250m of the site is 2%.

There are some larger HMOs nearby, these being 86 Aldwick Road (Maximum 45 No. Agricultural workers), 120 Aldwick Road (Maximum 109 No. Employee staff accommodation), and 41-45 Nyewood Lane (Maximum 52 No. occupants). 41-45 Nyewood Lane was allowed on appeal following a High Court appeal decision having been refused on grounds of character, noise and disturbance, occupant amenity, and parking concerns.

The remaining HMOs in the radius are within the range of 3-10 No. occupants. Nos. 86 and 120 Aldwick Road are staff accommodation with strict management plans, and No. 41-45 Nyewood Lane is subject to a management plan. With strict management in place and Nos. 86 and 120 being staff accommodation, it is unlikely that these units would contribute significantly to the adverse social impacts often associated with an overconcentration of HMOs.

Whilst there are other HMOs nearby, including the larger HMOs identified above, the area contains predominately independent dwellings in terms of its housing stock. The addition of 1 No. 9-occupant HMO will only marginally alter this demographic and introduce a mixed and unrelated household into the character of the area. Based on this assessment and the outcome of previous appeal decisions, this will not likely be unacceptably harmful or adversely affect the character of the area.

The proposal is in accordance with ALP policy H SP4(a).

FLOOD RISK

The site is partially at low risk of surface water flooding (1 in 1000) in the rear courtyard of the site and has a low-moderate potential to be at risk of groundwater flooding, however, Environment Agency data identifies groundwater flooding at this site to be unlikely. As a change of use application, no Sequential Test for flood risk is required.

The proposal does not increase the vulnerability classification of the site, nor does it result in an increase in the number of occupiers or result in occupiers residing within areas of the site that are at risk of surface water flooding.

The proposal has not been supported by a Flood Risk Assessment, but the proposal does not result in any increase of flood risk on site or elsewhere. As a result, whilst it is in technical conflict with ALP policy W DM2 due to the lack of a Flood Risk Assessment, no harm is identified and the proposal is in accordance with the principles of ALP policy W DM2.

INTERNAL SPACE STANDARDS

The HMO is to include 9 No. bedrooms with 9 No. bed spaces. The Nationally Described Space Standards (NDSS) do not provide relevant standards for HMOs but the standards do provide a point of reference for an assessment of residential amenity.

For an independent dwelling, the minimum requirement for one bed space is that a single bedroom must have an area of at least 7.5sqm and be at least 2.15m wide. With the exception of Bedroom 6 which is slightly lower than the recommended 7.5sqm internal area minimum at 7.44sqm and only slightly greater in width than the minimum of 2.15m width at 2.17m, all bedrooms are well in excess of the minimum internal space standards. All bedrooms are served by windows and have sufficient access to natural light.

Although the NDSS are not of direct relevance to HMOs, with the exception of a very minor shortfall in internal area for Bedroom 6, the proposal is compliant with the NDSS and the proposal would provide sufficient internal space for its occupiers. The proposal complies with ALP policies QE SP1 and D DM2.

RESIDENTIAL AMENITY AND OPEN SPACE

The proposal is acceptable in terms of internal spaces and how this impacts the residential amenity of its occupiers.

In terms of external space provisions, Section H of the ADG provides a guideline that communal shared spaces, such as shared external amenity space, should be at minimum 40sqm, plus 10sqm for each unit. The Council treat every three rooms within an HMO as one unit. The proposal would require 70sqm of communal external amenity space to satisfy this guideline. Following the revisions agreed during the lifetime of the application, the site benefits from an enclosed communal external amenity space of approx. 40sqm.

The site benefits from its surrounding hardstanding in the plot that occupiers could enjoy, though it would

provide a limited opportunity for activity and is prominently visible within the public realm. Section H refers to types of communal residential spaces that could be considered as such and compliment lower levels of private amenity space. The hardstanding around the site is not enclosed by a tall boundary treatment that would provide any meaningful privacy for the residents it serves, nor would it be appropriate to enclose the space in such a way. While it is a communal space that residents could enjoy to a very limited degree and is subject to natural surveillance, it is afforded very limited weight in its contribution to the overall amenity of future occupiers.

The site is within proximity to the foreshore (3 minutes), Marine Park Gardens (3 minutes), and West Park (9 minutes). The on-site private communal amenity space would provide sufficient space for limited residential activities and a general gathering place for residents, and the proximity to public open spaces such as those mentioned would provide ample opportunity for exercise and the enjoyment of the outdoors.

The site is in a highly sustainable location with pedestrian and public transport connections many services and amenities along Aldwick Road and within the wider locality.

While the proposal is in technical conflict with ALP policy D DM1(15) due to the conflict with the recommended on-site private and communal amenity space provisions outlined within the Arun Design Guide (ADG), the on-site amenity space provided, in combination with the public open space opportunities and access to other services and amenities within the area result in the proposal providing adequate areas of open space and a sufficient level of residential amenity for occupiers. The proposal is in accordance with ALP policies QE SP1 and H SP4.

HIGHWAYS, TRANSPORT, AND PARKING

WSCC Highways have raised no objections.

The Arun Parking Standards (APS) 2020 has no specific category for HMO uses, but for a HMO, the WSCC Guidance on Parking for New Developments (September 2020) expects the provision of 0.5 car parking spaces per bedroom and 1 cycle parking space per unit. The Council considers 3 beds in an HMO equal to 1 housing unit (i.e. 1 dwelling). In this instance, the proposal would require 4.5 car parking spaces and 3 cycle parking spaces to comply with the WSCC standards.

The proposal includes 2 No. car parking spaces, and 9 No. cycle storage spaces. It proposes to make use of the garage to the rear of the site as additional parking for smaller vehicles if this becomes necessary. The area has a significant amount of on-street parking restrictions, and the areas where there are no restrictions, are generally densely parked residential streets and are not readily visible from the site. The site is also in a highly sustainable location with public transport connections within a reasonable walking and/or cycling distance. Although there is a shortfall of 2.5 No. car parking spaces, the provision of a cycle storage space for each resident alongside the highly sustainable location would provide sufficient transport options for residents and encourage the use of these alternatives rather than a private motorcar.

The applicant has identified that research suggests 75% of HMO residents do not own/have access to a private motorcar. No such evidence has been provided to support the application, so this is afforded very limited weight.

ALP Policy H SP4 requires that HMOs do not contribute to the generation of excessive parking demands or traffic in an area. The shortfall of parking provision indicates that the proposal has the potential for 2/3 residents to park within the local area. Given these streets are not readily visible from the site, this would be low amenity for the intended occupiers and could result in an adverse impact on nearby residents by adding to the existing high on-street parking demand. With consideration of the alternative transport

options available to potential occupiers, it is likely residents would be discouraged from using a private motorcar and that these potential adverse impacts would be limited.

The cycle parking provisions would secure 9 No. bicycles along the southeast elevation of the plot. This would be visible in the public realm at part of a site that is otherwise open. The storage would provide shelter for bicycles but security would be dependant on the use of bike locks and the natural public surveillance of the site. The submitted statements appear to envision the cycle shelter to take the form of a lightweight, clear shelter with 5 No. fixed metal loops, but except for its location, these details are not provided in plan format. Finalised details of the cycle storage shelter for 9 No. bicycles are to be secured by way of condition.

The proposal is in conflict with ALP policy T SP1 due to its shortfall of on-site parking provisions. With consideration of the significant cycle storage provisions and the highly sustainable location, this shortfall is unlikely to result in unacceptable impacts on the existing on-street parking situation in the area, highway safety, or have severe cumulative impacts of the road network in accordance with NPPF Paragraph 116. WSCC Highways acknowledge the on site parking provisions but have raised no objections, nonetheless.

ECOLOGY, BIODIVERSITY, AND PAGHAM HARBOUR

The proposal is exempt from Statutory Biodiversity Net Gain under the de-minimis exemption. However, the proposal is required to achieve some form of biodiversity net gain in line with ALP policy ENV DM5, thus, a condition has been attached to secure a scheme for ecological enhancements through the provision of bird/bat boxes in suitable locations on the building.

As residential development within Pagham Harbour Zone B, a financial contribution must be secured by S.106 agreement to mitigate against recreational pressures arising from the development. It is necessary to deduct the relevant financial contribution that would be required for the recreational pressures caused by the existing Bed and Breakfast from the contributions required for the development. The resultant figure to be secured is £1,079.63.

At the time of writing this report, the S.106 agreement to secure this contribution has not been completed, but it is in the final stages and anticipated to have been completed by the Committee date. Subject to the timely completion of this S.106 agreement, the proposal will be in accordance with ALP Policy ENV DM2. An update on this matter will be provided in a report update.

As the site is within the zone of influence of Pagham Harbour, Arun District Council is required to carry out an Appropriate Assessment (AA) to assess the impact of the proposal on the European Site. As the proposal is primarily for a change of use and includes no significant physical development, the only impacts associated with the development would be recreational pressures, which, as mentioned above, will be sufficiently mitigated through financial contribution.

The site is within the 2km Buffer Zone for a Site of Special Scientific Interest (SSSI), Bognor Reef. Given the scale and nature of the development, and that it is a brownfield site and within a dense urban grain, the proposals would not have any adverse impact on the SSSI.

The proposal will be in accordance with ALP Policy ENV SP1.

TOURISM AND EMPLOYMENT

The site serves as visitor accommodation for those visiting Bognor Regis and the surrounding areas. ALP policy TOU DM1 seeks to preserve existing tourist accommodation sites, stating the following:

'Excepting Permitted Development Rights or Local / Neighbourhood Development Orders, existing visitor

attractions, facilities and accommodation (except camping and caravan sites), will not be granted planning permission for a change of use that leads to the loss of a visitor offer unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements, the Council will require:

- e. that alternative visitor uses have been fully explored;
- f. an appraisal indicating that the use is no longer viable;
- g. evidence that the site has not been made deliberately unviable; and
- h. evidence of the suitability of the site to accommodate the alternative use.'

No such evidence to this effect has been provided to demonstrate that the use is no longer viable or could be redeveloped for another visitor use. However, the site is modest in size and capacity, having only moderate benefit to the local tourist industry/economy of the area.

Paragraph 125(c) of the NPPF 'gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...'

Whilst the proposal would result in the loss of a modest tourist accommodation site and its associated employment, the proposal would provide a 9 No. bed, 9 No. occupant HMO. The Council typically consider every three bedrooms within a HMO to equal 1 No. dwelling as an average. Thus, the proposal would provide the equivalent of 3 No. dwellings during a period of acute housing shortfall. The site is brownfield land for the purposes of the NPPF, and substantial weight should be afforded to the value of reusing it for the proposed use.

The proposal is in conflict with ALP Policy TOU DM1 for the reasons outlined above, but equally, for the reasons outlined above, the harms are moderate and the benefits are significant. The harms of this conflict would not significantly and demonstrably outweigh the benefits of the proposal.

ENERGY EFFICIENCY

ALP Policy ECC SP2 requires new residential development, including changes of use, to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. Given the nature of the development, the use of design and layout are not directly relevant.

The positioning of solar panels or other low-carbon decentralised energy supply systems are, therefore, required, and to ensure that adequate decentralised, renewable, and low carbon energy supply systems are secured, a condition has been attached to this decision.

The proposal is in accordance with ALP policy ECC SP2.

SUMMARY

The proposal is in technical conflict with ALP policies D DM1(15), W DM2, and T SP1 due to shortfalls of adequate onsite amenity spaces and parking provisions and the lack of a Site-Specific Flood Risk Assessment, however, for the reasons outlined in the report above, these conflicts do not amount to harm.

The proposal is in conflict with ALP policy TOU SP1 in that it has not justified the loss of the tourist accommodation, however, the harms of this conflict would not significantly and demonstrably outweigh the benefits of the proposal. As such, paragraph 11d)ii) of the NPPF states that the proposal should be granted.

At the time of writing this report, the proposal has not completed a S.106 agreement to secure a financial contribution necessary to mitigate against recreational pressures on the Pagham Harbour SPA. This process is underway and is anticipated to have been completed by the Committee meeting.

The proposal is otherwise compliant with relevant Development Plan policies and is recommended for approval subject to the following conditions and informatives, and the completion of the S.106 agreement.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

At the time of writing this report, the S.106 agreement has been signed, submitted, and is awaiting completion. It is to secure a sum of £1,079.63 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the potential harm caused to Pagham Harbour by the Development by way of recreational pressures.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

- 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:

- Block and Location Plan Rev A (Rev B).
- Proposed Floor Plans Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1 and D DM1.

- 3 No part of the development hereby approved 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.

- 4 No part of the development hereby approved shall be first occupied until, a Biodiversity Enhancement Layout, providing the finalised details and locations of the ecological enhancement measures such as bird/bat boxes and soft landscaping features such as turfing and planters, has been submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 5 The development hereby approved shall not accommodate more than a cumulative maximum of 9 No. occupiers on site at any one time.

Reason: In the interests of ensuring sufficient amenity for the occupiers and local residents in accordance with Arun Local Plan policy QE SP1.

- 6 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 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.

- 7 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the NPPF.