

REPORT UPDATE

Application No: BR/249/24/PL

Reason for the Update / Changes

Reason for Update:

It has been noted there is a small mistake within the Highways, Traffic and Parking section of the Conclusion (page 114). Within this, it is identified that 3 no. parking spaces would need to be provided by the property, and cumulative increase of 1 no. parking space. This is an error, and should be corrected to 3.5 no. parking spaces, with a cumulative increase of 1.5 no. parking spaces.

Officer Comments:

This shortfall of an additional 3.5 spaces, instead of the assessed 3, is not a significant enough increase to warrant any subsequent reason for refusal. There are no changes to the recommendation.

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/249/24/PL

LOCATION: 27 Argyle Road
Bognor Regis
PO21 1DZ

PROPOSAL: Change of use from dwelling house (Class C3) to a 7-bed House in Multiple Occupation (HMO) (Sui Generis). This application is in CIL Zone 4 and is CIL Liable. as dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the change of use from a dwelling house (Use Class C3) to a 7 bed House in Multiple Occupation (HMO) (Sui Generis Use Class) for up to 8 occupants.
SITE AREA	200 sqm.
SITE CHARACTERISTICS	Two and a half storey terraced dwelling - currently vacant.
CHARACTER OF LOCALITY	Predominantly residential, of single household and shared accommodation status. On the outskirts of the town centre, with a small number of commercial and retail units to the north and south of Argyle Road.

RELEVANT SITE HISTORY

BR/200/24/PDH Notification under extended permitted development rights Prior Approv not req
for a single storey flat roof rear extension measuring 6m 21-11-24
beyond the rear wall of the original dwelling house, with a
maximum height of 3m and an eaves height of 3m.

This permitted the construction of the 'Snug' and additional shower room at the rear of the property (ground floor), as shown on plan 'Proposed Floor Plans And Elevations PG.9146.24-0-02 Rev E'.

REPRESENTATIONS

Bognor Regis Town Council - Objection:

- Would result in a proliferation and overconcentration of such uses in an area with an Article 4 direction which removed permitted development rights for C3 to C4 changes.
- Would result in harm to the character of the area due to the number of such uses contrary to policy HSP4 a) of the Arun Local Plan.
- Contrary to WSCC Highways, it is the belief of locally elected Councillors that the lack of car parking spaces would contribute to the generation of excessive parking demands causing harm to the amenity of the area contrary to policy HSP4 (b) of the Arun Local Plan.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The contents of policy H SP4 is reviewed and assessed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC PRIVATE SECTOR HOUSING:

Comments relating to legislative and policy requirements for HMOs.

WSCC HIGHWAYS (LHA):

No objection. The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Weight is given to the situation of the site in a sustainable location in walking/cycle distance of local services and public transport.

WSCC SURFACE WATER DRAINAGE:

No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary

Article 4 Direction ref 3/62/24

Pagham Harbour Zone B
 Current Flood Zone 1
 Low Risk of Surface Water Flooding (1:1000-year risk)

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)
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
SDSP2	SD SP2 Built-up Area Boundary
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
SDSP1	SD SP1 Sustainable Development
WMDM1	WM DM1 Waste Management

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 is considered to comply with relevant Development Plan policies in that it provides a house of multiple occupancy which does not adversely affect the character of the area, the residential amenity of neighbours or occupants, or generate excess parking demands.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the built-up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 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.

Bognor Regis has a 'made' Neighbourhood Plan. None of the policies are relevant to the application.

PLANNING POLICY ON HMO's

Arun Local Plan Policy H SP4 states: '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'

In January 2023, Arun District Council confirmed an Article 4 Direction to remove permitted development rights for the change of use from a (C3) dwellinghouse to a (C4) house in multiple occupancy.

This means a planning application is required to change the use of a dwelling to a house in multiple occupation (shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom). The area the Article 4 direction applies to covers the below wards:

- River ward in Littlehampton.
- Marine ward in Bognor Regis.
- Hotham ward in Bognor Regis.

These are wards where existing or future high concentrations of HMOs are likely to be harmful to the amenity or wellbeing of local residents and communities. The Article 4 direction ensures the issues and impacts arising from this form of development can be properly assessed through planning policy.

Marine Ward has 193 HMOs and with the other wards identified above has the highest levels of anti-

social behaviour. The analysis undertaken by Building Research Establishment (BRE) in 2021 demonstrates that HMOs in the Marine Ward represents approximately 10% of the private rented stock. The evidence demonstrably showed harm to the wards of River, Marine and Hotham, arising from the concentration of HMO uses and that this evidence can be used as a material consideration in determining HMO proposals in those areas.

The proposal is for a change of use from a class C3 dwelling to a large Sui Generis HMO for 8 occupants (7 beds), which would have required permission regardless of the Article 4 not being in force.

The assessment of the proposal against these criteria will be covered below under the relevant headings, in order to conclude whether the proposal will accord with H SP4 of the Arun Local Plan.

IMPACT ON CHARACTER OF AREA

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.'

The site is to the west of the town centre, on the outskirts of the wider retail and service centre of London Road and surrounding areas. The immediate area, whilst predominantly residential, contains a mix of commercial, retail and transportation uses. It is a high density area, with a number of smaller residential units (partly created as a result of subdividing buildings).

While the contribution that HMOs can make to the housing stock is appreciated and of value, it is recognised by policy H SP4 and its preamble that communities can become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing. Neither Policy H SP4 nor its supporting text set out a specific threshold or limit to the number/proportion of HMOs that would be acceptable. An appeal decision (Rose Cottage - BR/168/23/PL) refers to less than 5% of properties within 250m of a site area as being in multiple occupancy being an acceptable threshold.

An assessment of HMO numbers within 150m is included within the Planning Statement to demonstrate there is not an overconcentration. For continuity, the Local Planning Authority has undertaken its own assessment of HMO numbers within a wider radius of 250m, to abide with the threshold set out as acceptable by the Planning Inspector for BR/168/23/PL. Within 250m, 30 HMOs have been identified:

- 2, 6, 10 Cavendish Road
- 4, 14, 31, 32 Argyle Road
- Claremont House, 10, 12, 34 West Street
- 7, 27 Bassett Road
- 19, 27, 34, 36 Southdown Road
- 12, 21-23, 22, 24, 28 Canada Grove
- 28 Crescent Road
- 32, 46, 48, 50 Ockley Road
- 5 Gainsboro Road
- 3, 5 Burnham Avenue

A total of 1080 residential units have been identified through the Councils database as the housing stock within 250m of No.27 Argyle Road. The percentage HMO contribution to this total stock stands at 2.78%; with one additional HMO unit increasing this to 2.87%. This would fall sufficiently short of the

recommended 5% threshold; and would not present an over proliferation or concentration of HMO contribution to the variety of household types in this location.

Whilst there are other HMO's nearby, the area contains predominately independent dwellings. The addition of one HMO will marginally alter this demographic and introduce a mixed and unrelated household into the character of the area. This will not be unduly harmful and will not adversely unbalance the communities and character found in the immediate vicinity nor result in an over intensification of HMO's in the area. The property already provides 5 bedrooms, which if living as a single family household, would likely enable between 5 to 10 occupiers.

The proposal is seeking a maximum of 8 occupiers; which is comparable to the existing occupier contribution to the population of the area. The character of the area will slightly alter as a result of the change, but given the number of HMOs in the immediate vicinity of the site and the small increase to the number of occupiers at the property, this would not result in significant harm to the character of the area.

The proposal would not require external changes which would adversely alter the appearance of the property, nor introduce a use which is at odds with the character of the area or result in an additional HMO unit which would significantly harm the character of the area.

The plans show solar panels to the roof. The panels are acceptable under Permitted Development rights granted under Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended); and do not require consideration under this application.

The proposal complies with H SP4 (a), D DM1 and D DM4 of the Arun Local Plan.

NOISE AND RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development. Supporting text (para. 12.5.2) to HMO policy H SP4 states that 'A large concentration of housing in multiple occupation (HMOs) can have a significant and potentially damaging impact on the amenity of a local area' and that (para.12.5.4) 'Many properties are capable of accommodating a modest increase in occupancy.' It goes on to say 'increased occupancy may well give rise to noise and disturbance'.

The application would result in a minor increase in occupancy. The change would see the addition of 2 additional bedrooms to an existing 5 bed dwelling, totalling a maximum of 8 occupiers; with one room being a double capable for occupation by a couple. Whilst the occupancy numbers would be comparable to a single household residing in the property at present, the change in the use to shared accommodation may result in the nature of the noise produced by the property differing due to increased individual movements. Whilst this may result in a small increase in disturbance, any resultant noise pollution would not be adversely harmful. The use would still be residential in character, and operate as the property has for a significant number of years, retaining similar characteristics to other residential properties in the locality.

There are not any minor external changes proposed, nor any internal changes, which would result in any new overlooking or overshadowing impacts.

Any additional noise would not be sufficiently detrimental to amenity to warrant refusal. The proposal will not result in adverse harm to residential amenity and is in accord with D DM1, QE SP1 and QE DM1 of

the Arun Local Plan, and the NPPF.

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 standards for HMO's. 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 an HMO licence from the Council.

The Private Sector Housing Officer provided general advice in respect of fire safety, ventilation and legislation requirements. The proposal provides accommodation that meets specified room size requirements.

The proposal is acceptable in terms of internal space standards and minimum room sizes.

PROVISION OF OPEN SPACE

Policy H SP4 requires provision of adequate open space. Whilst the policy does not state a minimum area that HMOs should provide, Part H of the Arun Design Guide (ADG) provides a guideline that communal shared spaces, such as shared external amenity space, should be at minimum 40sqm, plus 10sqm for each unit (a total of 30sqm). This would mean the space provided would need to be 70sqm.

Part H of the ADG states that amenity spaces should be of an appropriate size and shape to be useable and enjoyable.

27 Argyle Road has a modest garden, comprising a private external amenity garden of approximately 72 sqm. This meets the minimum 70 sqm as set by the ADG. In addition, consideration is also had for locally available public open space, which, whilst not private, offers appropriate alternatives for residents providing nearby and accessible amenity space. The property is a 4 minute walk from Waterloo Square, a 5 minute walk from Hothampton Sunken Garden, and a 6 minute walk from the Promenade; all 0.2 miles away. These open spaces offer separate amenity spaces within easy and close accessibility of the property, and contribute to additional amenity space for residents.

The proposal is served by sufficient private external amenity space, and is in accordance with ALP policy H SP4(c) and the Arun Design Guide.

WASTE STORAGE PROVISION

The supporting text (para. 12.5.5) to HMO policy H SP4 states that 'Larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation. Where large amounts of refuse are not adequately stored prior to collection, it can become both unsightly and a health hazard, particularly during summer months.' Policy WM DM1 of the Arun Local Plan requires kerbside collection is possible for municipal waste vehicles and where appropriate, communal

recycling bins and safe bin storage areas are available to residents of flats.

Bin storage is to be within the site, to the front of the property. This is acceptable, and in accord with WM DM1 of the Arun Local Plan.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires that development schemes seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

Biodiversity Net Gain for small sites came in on the 2 April 2024, requiring all sites provide 10% BNG on or off site, unless exempt. Whilst this requirement is active, 10% is not required as there is no onsite habitat which will be affected, and the site is subject to de minimis exemption.

The application details the installation of raised planters, grey water harvesting, and a swift box to the side elevation to increase biodiversity. Whilst a minor gain, this contributes to the objectives of policy ENV DM5, and is acceptable in respect of BNG. A condition has been applied securing the installation of the swift box.

ACCESS MANAGEMENT CONTRIBUTION

Policy ENV DM2 requires that residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. The current rate is £962 per dwelling.

The site lies in Zone B. As the property was previously a single dwelling, it is established as one unit. The change of use to a 7 bed HMO therefore increases the unit number on site to three units (as three HMO beds are equal to 1 residential unit). As there was one unit existing, the payment for the Access Management Contribution will only need to cover the additional two units. Therefore a total contribution of £1924 is required.

The application has been accompanied by a draft S106 Agreement, and this is being checked by the ADC Legal department. Therefore, subject to securing the £1924 through the S106 agreement, there will be no conflict with policy ENV DM2.

On this basis the proposal is in accord with ALP policy ENV DM2.

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 DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. HMO policy H SP4 requires that HMOs (b) Do not contribute to the generation of excessive parking demands or traffic in an area.

Policy QE SP1 states the Council require all development to contribute 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.

WSSC Parking Standards Guidance (September 2020) expects the provision of 0.5 car parking spaces per bedroom and 1 cycle parking space per unit for HMOs. ADC Parking SPD (2020) does not specify car or cycle parking standards for HMOs, but for new residential development expects 2 car parking spaces for a 4 bed + house (in Parking Behaviour Zone 4) and 1 cycle parking space per unit for 1 bed flats/houses. The Council considers 3 beds in an HMO equals 1 housing unit (i.e. dwelling). In this instance, 3 parking spaces would need to be provided, alongside 3 cycle parking spaces.

The proposal includes nil parking provision, but includes cycle storage for all residents, alongside e-bike charging facilities. Whilst parking is required as per H SP4 (b), the location of the proposal, and accessibility to transport infrastructure must be weighed against the lack of parking. The site has been in use as a 5 bed dwelling, which in line with the ADC Parking SPD, would attract the requirement for 2 car parking spaces. The dwelling did not include parking, and the household previously occupying the property would have needed to have relied on on-street parking. The change of use would result in the cumulative increase in one additional parking space, over the previous two; resulting in the need for one more on-street parking space to be required by the property.

No.27 is on the outskirts of the town centre in a highly accessible location, being less than a 10 minute walk from the railway station, and approximately 2 minutes from the nearest bus stop. Argyle Road is in the Controlled Parking Zone for Bognor Regis Town Centre, and any parking along this road requires a permit. This is required for parking in Sunderland Close to the north. Cavendish Road and Bassett Road are not subject to parking control, and parking is available. The area is highly accessible, with there being no history of parking issues for the property as a single household, despite its shortfall of on-site parking. Given this, and that there are a range of alternative transport options available to local facilities and further afield, the lack of parking provision is acceptable. As the proposal provides a sustainable use of a property in close proximity to the town centre and multiple options for parking or public transport, refusal on the basis of the lack of parking is unjustifiable, as sufficient alternative provision is available.

A condition has been applied securing the proposed secure and covered cycle parking spaces in the rear garden, to enable additional transport options for occupiers.

The application is in accord with T SP1, T DM1, QE SP1 and H SP4 (b) of the Arun Local Plan.

SUMMARY

The development would make a positive contribution to the District's housing need and is in accordance with the development plan, with no material considerations suggesting that permission should be withheld. As such, it is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

Consideration has been 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 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 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 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 draft S106 Agreement has been received and is being checked by the ADC Legal Department. The securing of this S106 will require the undertaker to pay £1924 for the purpose of delivering mitigatory actions at Pagham Harbour. The approval of this permission is subject to the S106 being secured.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan, Proposed Site Plan, Proposed Bike Store Floor Plan PG.9146.24-0-03 Rev A
- Proposed Floor Plans And Elevations PG.9146.24-0-02 Rev E

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 overnight occupancy of the House in Multiple Occupation shall be limited to a maximum of 8 persons at any one time.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with policy H SP4 of the Arun Local Plan.

- 4 A swift box shall be fitted to the external wall of the building prior to first occupation of the building as a HMO and shall be permanently retained in good working condition. The swift box shall be attached at first floor level and positioned on the western elevation.

Reasons: In the interests of securing biodiversity net gain in accordance with policy ENV DM5 of the Arun Local Plan and the NPPF.

- 5 No part of the HMO shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans Location Plan, Proposed Site Plan, Proposed Bike Store Floor Plan PG.9146.24-0-03 Rev A. The spaces shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policy T

SP1 of the Arun Local Plan.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 7 INFORMATIVE: This decision has been granted subject to a Section 106 legal agreement relating to the payment of £1924 to be paid by the undertaker to the Local Planning Authority for the purpose of delivering mitigatory actions at Pagham Harbour.
- 8 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).