

Recommendation Report for Planning Permission

REF NO: BR/261/21/PL

LOCATION: 7 Longford Road
Bognor Regis
PO21 1AA

PROPOSAL: Retention of 6 bed 10 person HMO. This site may affect the character & appearance of the Bognor Regis Railway Station Conservation Area & is in CIL Zone 4.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for a change of use from a dwelling C3 dwelling to a 6 bed 10 person HMO. This is a retrospective application. The property is used as a building of multiple occupancy. There are 6 bedrooms with shared facilities on the ground and first floor. No external changes are proposed. There are some internal improvements proposed to create a combined kitchen dining area. The property is accessed off Longford Road, there is no off-street parking.
SITE AREA	202.00 Square metres
BOUNDARY TREATMENT	Dwarf wall to the front, approximately 1m high wall on the eastern boundary, timber panel fence to the rear and sides of the rear garden.
SITE CHARACTERISTICS	Two storey end of terrace property with 2 storey bay window with gabled roof above and room in the roof and two storey rear outrigger with lean to roof.
CHARACTER OF LOCALITY	Centre of Bognor Regis, close to the junction of Linden Road and Station Road, opposite the railway station. The local area contains a mixture of residential, retail and transportation uses. The proposal site is situated at the outskirts of the Bognor Regis Railway Station Conservation Area with 2 listed buildings, the Station and the cinema, viewed from the proposal site.

RELEVANT SITE HISTORY

BR/397/06/	Conversion of existing dwelling to form 3 units	ApproveConditionally 09-02-07
------------	---	----------------------------------

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 objection 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. The plans for this property indicate it would be suitable to accommodate up to 10 persons.

ENVIRONMENTAL HEALTH: No objection.

Request imposition of conditions relating to construction hours.

PRINCIPAL CONSERVATION OFFICER: No objection; the application is considered to not cause harm to the significance of the heritage assets or their settings.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The request for imposition of a condition to manage construction is not necessary the works are internal and unlikely to cause a nuisance and much of the work has already been done and noise can be controlled by other legislation.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM2	D DM2 Internal space standards
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
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
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
-------	-----------------------------

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.

This is in the form of the Council's current lack of a 5 year housing land supply which means the NPPF's presumption in favour of sustainable development applies to applications for the provision of housing.

CONCLUSIONS**KEY ISSUES**

The key issues in the determination of this application are as follows:

- Principle of development.
- Impact of this type of housing on the character of the area.
- Parking provision and impact on traffic and highways safety in the area.
- Provision of open space to serve occupants of HMO.

- Provision of internal space for occupants of HMO.
- Waste provision for HMO.
- Impact of HMO on local residential amenity.

Other matters of consideration include:

- Impact on Heritage Assets.

PRINCIPLE OF DEVELOPMENT:

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 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 Council is unable to identify a 5-year supply of housing land and the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The proposal is acceptable in principle given its location in a sustainable location in the Built-Up Area Boundary, in walking distance of a range of shops, facilities and services. There are frequent bus services on Longford and Linden Road and Bognor Regis Railway Station is on the opposite side of the site. It would provide a small scale accommodation i.e. HMO rooms of accommodation for single people, elderly and young people within the town centre who may not have access to private transport.

The proposals would therefore accord with the ALP policies SD SP2 and SD SP1 and the NPPF.

The application proposes the retention of a 6 bed 10 person HMO which was in use unlawfully as a large HMO. All bedrooms have an access to bathroom, shower room and toilet at the first floor and would share a communal kitchen/dining room on the ground floor level.

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.

The NPPF's para. 12 requires that up-to-date Development Plan policies are the starting point for decision-making. In this case the relevant policy is Local Plan policy H SP4 which is considered to be up to date.

IMPACT ON CHARACTER OF AREA:

HMO 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 (para 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 located in Bognor Regis Town Centre, on the outskirts of the main retail and service centre of the high street and surrounding area. The immediate area contains a mix of residential, 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). The application states the building is in multi occupancy and there are 6 bedrooms present. Based on the character of the local area, along with the fact that the exterior of the building is not to alter, it is considered the HMO would not adversely affect the character of the area or erode the balance between different types of housing, including family housing. The area appears to have mixed types of housing for single people and couples like smaller flatted development and other HMO's. The proposals would therefore accord with criteria (a) of HMO policy H SP4.

PARKING, TRAFFIC AND HIGHWAYS IMPACTS:

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

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP 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.

WSCC Parking Standards Guidance (September 2020) expects the provision of 0.5 car parking spaces per bedroom and 1 cycle parking space per unit for HMO developments. The ADC Parking SPD (2020) does not specify car or cycle parking standards for HMO developments, but for new residential development expects 2 car parking spaces for 4 bedroom + houses (in Parking Behaviour Zone 4) and 1 cycle parking space per unit for 1 bed flats/houses. The block plan makes no reference to car parking. The Local Highways Authority (LHA), WSCC Highways, was not consulted.

The site is in a highly sustainable town centre location with access to walking, cycling and public transport routes, and that cycle spaces would be provided on site (this will be secured via condition), so occupiers would not have to rely on use of a private vehicle. Whilst the LPA can be flexible in applying parking requirements some parking provision would be necessary to serve the proposed use. The proposals would result in on-street parking demand in the area, which has limited availability and would not accord with criteria (b) of HMO policy H SP4 in this respect. On street parking is not available outside the site due to parking restrictions so parking would be displaced into use is retrospective and it is not considered the proposal would result in an increase in material movements and given the scale of the proposed HMO, it is not anticipated to have a significant impact on the local highway network. However consideration of the previous lawful use must be considered.

With planning conditions to secure provision of cycle parking spaces and the permitted use of the property the development would not result in excessive on-street parking demand in the area. The proposals would therefore accord with policies T SP1, T DM1 and H SP4(b) of the ALP.

PROVISION OF OPEN SPACE FOR HMO OCCUPANTS:

HMO policy H SP4 requires that HMOs (c) provide adequate areas of open space.

A decent size of garden to the rear is provided (14.8m x 6.5m) and in addition there is an easy access to public open spaces like Hotham Park and the sea shore within a walking distance.

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

PROVISION OF INTERNAL SPACE FOR HMO OCCUPANTS:

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 an HMO licence from the Council.

The Council's Private Sector Housing Officer has been consulted and they did not raise any objection but provided a general advice in respect of fire safety, ventilation and legislation requirements and concluded their comments: The proposed plans for this property indicate that it would be suitable to accommodate up to 10 persons.

Therefore the proposal is acceptable in terms of internal space standards and minimum room sizes for this type of use are covered by other legislation in any case.

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 states "New residential development, including conversion of one dwelling into multiple units, will be permitted provided that:

- a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles
- b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats.

The Block Plan does not indicate the provision of any bin storage. For a 6 bed HMO, it is expected that 1 x 240L capacity for recycling and 1 x 240L capacity for rubbish is provided per bedroom. A condition will be applied specifying the total quantum of waste storage provision required and that details of the bin storage enclosure to be submitted to and approved by the Local Planning Authority.

RESIDENTIAL AMENITY IMPACT OF HMO:

Policy D DM1 of the ALP states development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. 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 proposed change of use from may give rise to some increased occupancy and some intensification of the use of the property. Given the size of the premises there would likely be a limited increase in occupancy. The use would be residential in character and have similar characteristics to residential properties in the locality.

Th increase in external activity could lead to an increase in noise levels. The nearest properties and thus most sensitive to this increase in noise in the rear amenity space, comprises those fronting Longford Road. In these instance, the nearest property has a rear garden of a similar depth as proposal building with hard boundary treatments. 7 Longford Road has been used as an HMO for certain period of time and the proposed use would be of the same nature 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, the site is close to the open area of Station Square with the station being set behind and the cinema at the junction of a number of busy roads. There are no external changes proposed and proposed internal changes would not result in any new overlooking impacts that would occur.

The proposal is in an accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan and the NPPF.

HERITAGE CONSIDERATIONS:

Policy HER DM1 of the Arun Local Plan requires proposals affecting statutory Listed Buildings to protect, and where possible, enhance the setting of the building. Paragraph 195 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant planning permission or permission in principle for development

which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy 1 of the Bognor Regis Neighbourhood Development Plan stresses that proposals must identify the significance of any affected heritage asset and assess any harm and benefit.

The building is outside, but close to the Bognor Regis Railway Station Conservation Area. The conservation area is focused on a small group of imposing buildings which create a formal, urban townscape. The Station and the cinema are listed. Both buildings are of architectural and historical significance. Whilst not in the conservation area, the road (and house) can be considered to form part of the wider urban context. Both listed buildings are viewed and experienced in this urban context.

The development does not comprise any external alterations to the buildings and therefore the would not impact upon the setting of the nearby Grade 2 Listed Buildings in accordance with Policy HER DM1 of the Arun Local Plan and paragraph 190 of the National Planning Policy Framework which requires that the significance of heritage assets are sustained and enhanced, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) and Policy 1 of the BRNDP.

The Principal Conservation Officer has been consulted on this proposal and he is of the opinion that the proposal will not cause harm to the settings of the various heritage assets.

ECOLOGY:

In terms of legislation, development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required. Paragraphs 174 and 180 of the NPPF indicate that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Act and the NPPF. ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

No biodiversity enhancement measures have been proposed. In order to accord with the Environment Act, NPPF and ALP policy ENV DM5 a planning condition will be imposed to secure a Biodiversity Net Gain Plan to show proposed measures e.g. inclusion of bird boxes, wildflower planting etc.

CONCLUSION

The continued use of this property as an HMO for 10 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. Due to the lack of 5 year housing land supply (being below 3 years) policies for the supply of housing are out of date. Consequently NPPF para 11d (ii) is relevant which requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this case the scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and all other material considerations; the tilted balance under para 11d ii comes to the same conclusion ie the proposal is sustainable development and acceptable. It is recommended the application be approved in accordance with 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 approved shall be carried out in accordance with the following approved plans:

Dwg No PL 01 Location Plan;
Dwg No PL 02 Block Plan;
Dwg No PL 05 Proposed Plans and Elevations.

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.
- 2 The use hereby approved shall be for the benefit of a maximum of 10 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.
- 3 Within 3 months of the date of this decision covered and secure cycle parking spaces shall be provided in accordance with plans and details submitted to and approved by the Local

Planning Authority. The cycle parking shall be retained unless otherwise agreed by the Local Planning Authority.

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

- 4 Within 3 months of the date of this decision details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 5 Within 3 months of the date of this decision details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 3 months of the approval of the details and retained thereafter.

Reason: In accordance with Arun Local Plan of policy ENV DM5 and the National Planning Policy Framework.

- 6 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.