

## REPORT UPDATE

Application No: BR/2/26/PL

### Reason for the Update / Changes

Reason for Update/Changes:

The S.106 agreement to secure the relevant financial contribution and mitigate against recreational pressures on the Pagham Harbour SPA has not yet been finalised and completed as anticipated.

Officers Comment:

For the reason outlined above, the recommendation is that the Planning Committee delegate the decision to the Group Head of Planning, in consultation with the Chairman or Vice Chairman, with authority to:

Approve the application subject to the completion of the S.106 agreement, and the conditions and informatives provided at the end of this report.

**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/2/26/PL

LOCATION: 37 Glamis Street  
Bognor Regis  
PO21 1DJ

PROPOSAL: Conversion of existing dwelling into 6 bedroom, 10 person HMO. This application is in CIL Zone 4 (Zero Rated) as other development.

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|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | This application seeks to change the use of a dwelling (C3) into an 6-bed, 10-occupant House in Multiple Occupation (HMO) (Sui Generis) alongside the installation of two rear rooflights and solar panels.                                                                                                                                                                                                                        |
| SITE AREA                  | 250sqm.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| BOUNDARY TREATMENT         | Low boundary wall and planting to the front. Close boarded fencing surrounding the rear amenity space.                                                                                                                                                                                                                                                                                                                             |
| SITE CHARACTERISTICS       | 3-storey terraced red brick building with buff brick stringcourses, slate/plain tiles, two-storey bay window feature, inset porch, and a decorated gable. The building has a small front amenity space, a modest rear garden with a narrow alleyway to the rear, and backs onto an area of car parking and buildings beyond. The building serves as a dwelling with five bedrooms and forms part of a short but visually appealing |

terrace with almost identical facades. The dwelling is a Non-designated Heritage Asset alongside the other properties in its terrace.

## CHARACTER OF LOCALITY

Dense urban grain with terraced residential dwellings forming the most dominant form of development. To the east is St Mary's Catholic Primary School, a modest distance to the south is the Town Centre, and further west is the Bognor Regis Railway Station.

## REPRESENTATIONS

Bognor Regis Town Council - Objection:

- The area is subject to an Article 4 Direction due to existing high HMO levels.
- A further 10-person HMO would worsen overconcentration and undermine mixed, balanced communities.
- Likely to increase noise, disturbance, and frequent comings and goings that would negatively impact neighbouring living conditions.
- Generate significant parking demand without on-site provision increasing overspill parking, congestion, and potential highway safety issues.
- The intensity of use is too high for the site.
- Insufficient amenity space and supporting facilities for the number of occupants.
- Various conflicts with Arun Local Plan policies and NPPF paragraphs identified in relation to the above points.
- Similar HMO proposals have been refused locally for harm to character, amenity, and parking, and this application raises comparable issues.

1 letter of objection:

- The applicant's 250m HMO calculation radius includes distant streets, inflating the total number of dwellings and producing a misleadingly low HMO percentage.
- The impact should be assessed at street level, not across an artificially large area.
- Glamis Street contains 5 HMOs and No. 37 would be the 6th, representing a significant concentration.
- The applicant's count excludes unlicensed/unregistered HMOs, meaning the real number is likely higher.
- Six HMOs on a single residential street contradicts the purpose of Arun's Article 4 Direction, which was introduced to prevent clustering of HMOs in affected neighbourhoods.
- A street-based assessment is essential and demonstrates overconcentration.
- Converting the property into a 6-bed, 10-person HMO is a major intensification of use which will significantly increase pressure on the street in terms of noise, activity, and parking.
- The application provides no parking assessment, which is a major omission given existing pressures.
- As an immediate neighbour, you would be directly affected by increased noise, comings and goings, and late-night activity.
- The level of disturbance from 10 unrelated adults is far greater than from a typical family home.
- Concerns regarding poor waste management and negative visual impact.
- The cumulative increase of HMOs is altering the residential character of Glamis Street.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Relevant planning matters are discussed in the conclusions section of this report.

## CONSULTATIONS

## CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

Private Sector Housing:

- Various advice relating to separate legislation. Namely the Housing Act 2004, The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, Arun District Council's HMO Standards, Housing Health and Safety Rating System (England) Regulations 2005 and LACoRS national fire safety guidance.

WSCC Highways (LHA) - No objection:

- No vehicle access is proposed; the pedestrian access remains unchanged.
- The LHA does not expect the HMO use to significantly increase trip generation compared with the existing residential use.
- All vehicle parking would be on-street, the same as at present.
- WSCC parking standards require 0.5 spaces per HMO bedroom, meaning 3 spaces would normally be required.
- Although there is a parking shortfall does not consider this a highway safety issue; however, the LPA may consider amenity impacts from increased on-street parking.
- Sustainable location with good access to services, active travel, and public transport, reducing reliance on cars.
- Secure cycle storage is proposed at 1 space per bedroom.
- The proposal would not have an unacceptable highway safety impact or cause "severe" cumulative impacts, and therefore, there are no transport grounds to object.

Economic Regeneration - Objection:

- There is already a high density of HMOs already present in Hotham Ward.
- The current concentration of HMOs is contributing to significant antisocial behaviour (ASB), which is now affecting the viability of the town centre.
- Both Economic Development and the Arun ASB Team are concerned that adding more HMOs would worsen existing issues.
- Arun Local Plan (ALP) policy HSP4 and the Article 4 direction are considered sufficient grounds to refuse further HMOs in the area.
- ALP policy HSP4 emphasises the need for mixed and balanced communities, warning against dominance by any single household type (e.g., shared housing).
- A high concentration of HMOs can harm local amenity, especially when properties are occupied by short-term tenants.
- Economic Development believes this negative impact has already occurred in Hotham Ward.
- To prevent further decline of the town centre, it recommend this application is refused.

Natural England - Further information required:

- The proposed development has the potential to have a harmful effect on European site(s) by way of recreational pressures.
- Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).
- Appropriate Assessment of these measures is suggested.
- Discretionary advice for the applicant provided.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Subject to the completion of the S.106 Unilateral Undertaking (UU) submitted alongside this application, the relevant financial contribution will be secured to mitigate against the potential recreational pressures of the development. Thereby addressing the concerns raised by Natural England. The completion of the UU is anticipated prior to Planning Committee and an update on this will be provided by way of report update at Committee.

## 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  $\geq 75\%$ .

Very Low risk of Surface Water Flooding (1 in 1000).

Locally-listed Building of Character (Non-designated Heritage Asset).

Wider Town Centre Area (Bognor Regis Neighbourhood Development Plan).

## 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                              |
| HERSP1 | HER SP1 The Historic Environment                             |

[Bognor Regis Neighbourhood Plan 2015 Policy 2](#) Promoting the Seaside Identity

## 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 in conflict with relevant Development Plan policies in that it has a shortfall of on-site car parking, however, for the reasons discussed below, this conflict does not amount to sufficient reason to refuse the development.

The proposal otherwise complies with relevant Development Plan policies in that it provides much needed housing without prejudicing the visual amenities of the area, the relevant heritage assets, or resulting in an unacceptable local overconcentration of HMOs, and by providing sufficient residential amenity for occupiers.

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. The proposal would contribute the equivalent of one additional independent residential unit in a highly sustainable location to the Council's current shortfall of HLS.

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 Hotham 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 dwellings in the private rented sector in the Hotham ward is 39.2% whilst the national average is 19%. Hotham ward has approximately 156 HMOs, making up approximately 14% of the private rented housing stock. As the proposal would result in the introduction of a new HMO and is in Hotham ward, the evidence base supporting the Article 4 Direction is a material consideration.

The Article 4 Direction removes permitted development rights for converting C3 dwellinghouses into C4 small HMOs, giving the council greater oversight of HMO creation in areas experiencing negative impacts that may be related to the overconcentration of HMOs. The Direction itself is not a standalone reason to refuse planning permission. Each HMO proposal must be assessed on its own merits, with an objective evaluation of concentration of HMOs and the subsequent potential harm at district, ward, and local levels. This includes taking account of recent appeal decisions on both small and large HMOs within the relevant wards, where refusals on the grounds of overconcentration and character impacts were challenged and overturned. These decisions provide useful guidance on how the Local Planning Authority should objectively assess HMO concentrations in an area and how they should be determined accordingly.

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

The proposal involves minor alterations alongside the change of use. This includes the installation of two rear rooflights and solar panels on the rear roof slope, and the provision of cycle storage and dedicated bin storage in the rear garden. The proposed plans do indicate some waste bins may remain stored to the front of the site, as existing, which is in keeping with the arrangements of other properties in the area.

The physical alterations 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 retain that of a residential character as existing, albeit a more intense use than traditional Class C3 dwellings, but one of a residential character, nonetheless. The character of the area is predominantly residential in nature and thus, the proposed use 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 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.'. 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, the following recent appeal decisions are of note:

- BR/168/23/PL sought permission 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 sought permission for the change of use of a dwelling to an HMO in 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.
- LU/308/24/PL sought permission to convert a ground-floor unit into an HMO and one self-contained C3 flat, with minor physical alterations. The application was partly refused due to alleged HMO overconcentration and resulting character harm. On appeal, the scheme was dismissed solely on flood-risk grounds; the Inspector did not support the Council's concerns about character impact. They found that only 12% of private rented homes in the River ward were HMOs, an amount not considered significant or imbalanced. The Inspector also concluded that ASB could not be directly linked to HMOs and that a suitable management plan could help minimise any potential issues.
- APP/C3810/C/25/3360505 pertains to a recent appeal against an enforcement notice served on a property in River ward where the property was converted from a C3 Dwellinghouse to a C4 Small HMO contrary to the Article 4 direction. The grounds for the notice included harm to the character and appearance of the area (by virtue of an overconcentration of HMOs). The enforcement notice was quashed and planning permission granted, following conclusions that HMOs within 200m of the site equated to 2.5% of the private rented housing stock in the River ward and that this was not an overconcentration.

While officers recognise the evidence underpinning the Article 4 Direction, the various appeal decisions above make clear that this does not mean all HMO applications within the affected wards should be refused. Each proposal must be objectively assessed to determine whether it creates an actual overconcentration in its locality.

Inspectors have used varying radii, typically 150-250m, to quantify and assess local HMO concentration. They have consistently found that concentrations below 5% within these radii do not amount to an overconcentration, and that 10-12% of private rented homes being HMOs at ward level is not an overconcentration/imbalance. While approx. 14% of the private housing stock within Hotham ward are HMOs, this was not raised as a concern by the Inspector for BR/168/23/PL, and they proceeded to consider the more localised assessment as the primary factor when informing their judgement.

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 852 residential properties within a 250m radius of the site, and 25 of these are recorded as active HMOs. The ratio of HMOs to independent residential units within 250m of the site is 2.9%.

One public representation has identified that there are 6 HMOs in Glamis Street. This appears to be anecdotal and may consider the full extent of Glamis Street, but in reviewing the north-south section of Glamis Street in which the site resides (approx. 140m), there are 30 total independent residential properties (flats included) and St Mary's Primary Catholic School. 3 of the residential properties are known to be HMOs currently (licensed/non-licensable). The proposal would result in a fourth HMO in this section of the street.

Whilst there are a number of other HMOs nearby, the area contains predominately independent

dwelling in terms of its housing stock. The addition of a 10-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 does not constitute a localised overconcentration nor an imbalance of housing types and will not be unacceptably harmful or adversely affect the character of the area.

For the reasons outlined above, while officers appreciate the evidence base supporting the Article 4 Direction and the comments of the Town Council and the Economic Development team, it is the view of officers, that refusing this application due to harm to the character of the area by virtue of this proposal resulting in an overconcentration/imbalance of HMOs within the area would not withstand an appeal.

The applicant provided an HMO management plan document but it is not overly detailed or prescriptive on how potential ASB would be monitored and managed if such behaviour were to become apparent.

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

### **FLOOD RISK**

The site is marginally at very low risk of surface water flooding (1 in 1000), with this being confined to a small section of the rear amenity space. It has a high potential to be at risk of groundwater flooding, though there are no historic records of groundwater flooding and the mapping data used to predict areas at potential risk of groundwater flooding is broad and cannot be relied upon to confirm a risk of groundwater on specific sites. The site is otherwise in Flood Zone 1 and as a change of use application, no Sequential Test for flood risk is required.

In accordance with Footnote 63 of the NPPF, no Site-Specific Flood Risk Assessment (FRA) is required. This is because although the proposal may be subject to other sources of flooding (surface water/groundwater), it is in Flood Zone 1 and would not alter the vulnerability classification of the site. However, ALP policy W DM2 still requires a FRA to be submitted.

The proposal would result in a single bedroom being at ground floor where there are currently none. That said, the building itself is not a risk of flooding from surface water, and groundwater flood risk remains unlikely at the site given the lack of any events having ever been recorded. Nonetheless, the proposal has been supported by a FRA which proposes a series of flood risk mitigation methods to help exclude groundwater and bring the unit back into service should flood water ever be present on site or enter the unit.

A condition has been attached to secure the mitigation measures in the FRA. The proposal would be sufficiently safe for its lifetime and does not increase the vulnerability classification of the site. There are no identifiable harms in relation to flood risk and the proposal is in accordance with the principles of ALP policy W DM2.

### **INTERNAL SPACE STANDARDS**

The HMO is to include 6 No. bedrooms with 10 No. bed spaces. The Technical Housing Standards (Nationally Described Space Standard (NDSS)) does not provide relevant standards for Houses in Multiple Occupation but the standards do provide an appropriate point of reference for an assessment of residential amenity and ALP policy D DM2 states that the NDSS will serve as guidance.

For a modern residential dwelling, the minimum requirement of the NDSS is that for a single occupant bedroom, the room must have an area of at least 7.5sqm and be at least 2.15m wide. Bedroom 4 has sufficient width but is marginally below the minimum threshold in respects of its area (7.28sqm). This would likely indicate a lower level of amenity afforded to its occupier but would not amount to any harm such that the proposal should be refused, and as aforementioned the NDSS are not measurements

designed for HMOs specifically, where a lower amount of internal amenity space may be anticipated.

Bedrooms 1-3 and 5-6 all have sufficient area and dimensions for their respective occupation to comply with the Nationally Described Space Standards.

Each bedroom is served by at least one external opening, providing adequate access to natural light.

The proposal is in accordance 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.

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 Local Planning Authority typically consider that every three rooms in an HMO constitutes one unit. The proposals would require 70+sqm of communal external amenity space. The site has a rear garden with an approx. area of 89sqm which is adequate. It is in reasonable proximity to a number of amenities and services in the Town Centre, and a modest walk from public gardens and the coast.

The proposal would increase the anticipated number of occupiers on site, which may lead to an increase in noise levels/comings and goings from the property. While this may be noticeable to adjacent occupiers, the noise and activity would remain typical to those of a residential nature, and the site is in a dense urban environment with a primary school adjacent. Higher noise and activity levels are typical for this area, and the likely increase would be commensurate to the existing prevailing character of the area (residential) and would not be unduly harmful.

The proposal is in accordance with ALP Policies QE SP1, H SP4, and D DM1.

#### **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 3 car parking spaces and 4 cycle parking spaces (rounded up) to comply with the WSCC standards.

The proposal does not benefit from any car parking provisions but is to provide 6 cycle storage spaces in the rear garden, which will be secured by way of condition.

When assessing the parking impacts of the change of use, due consideration needs to be afforded to the properties existing impacts on parking demand within the area. The building is a 5-bedroom dwelling which would require two car parking spaces to comply with the Arun Parking Standards. Deducting the current recommended provisions from the proposed, the proposal would result in the displacement of one additional car to the on-street parking provisions in the area. Roads in the area are typically subject to parking restrictions and controls. Typically requiring permits for residents to make use of the on-street parking.

This submission has been supported by a parking stress survey which has implemented the recognised 'Lambeth Parking Survey Methodology'. The surveys were undertaken overnight between 00:30 and 05:30 hours and covered all streets in a 250m radius to capture maximum overnight residential parking

demand on Monday 20/10/2025 and Tue 21/10/2025. On-street parking demand was found to be stable and consistent, no illegal parking was observed, and the peak parking stress (ratio of parked vehicles to available kerbside capacity) was found to be below Lambeth's 85% stress threshold (76.8% and 78.3%), indicating spare overnight capacity within a reasonable vicinity of the site.

In any event, this is an in-centre location with notable transport links in walking distance including Bognor Regis Railway Station and multiple bus stops. Alternative modes of transport must be encouraged in highly sustainable locations such as this, and these elements act as mitigation against any adverse impacts that result from a loss of on-site parking provisions.

While the proposal is in conflict the WSCC Guidance on Parking for New Development document, and ALP policy T SP1 by extension, taking into account the comments (guidance) from WSCC Highways for this proposal, the existing parking demand of the site, the plentiful alternative transport connections, and the spare overnight on-street parking capacity found within the submitted survey, the proposal would not have any unacceptable impact on highways parking capacity or safety and this conflict, therefore, does not amount to harm.

With consideration of all of the above, the proposal is in accordance with ALP policy H SP4(b) and NPPF Paragraph 116.

#### **ECOLOGY, BIODIVERSITY, AND PAGHAM HARBOUR**

The proposal is exempt from Statutory Biodiversity Net Gain under the de-minimis exemption. The proposal is required to achieve some form of biodiversity net gain in line with ALP policy ENV DM5, thus, a condition is attached to secure the provision of the bird boxes identified below the eaves on the proposed elevations. These will not materially impact the visual amenity of the building and will secure some form of on-site ecological enhancement and subsequent biodiversity net gain in accordance with ALP policy ENV DM5.

The site lies within Pagham Harbour Zone B where a financial contribution of £962 per new residential unit is required to mitigate against potential recreational pressures on the Pagham Harbour Special Protection Area (SPA). This must be secured by S.106 agreement. For HMOs, the council consider every three bedrooms to be one residential unit. Thus, the proposal results in the conversion of one existing residential unit into two for the purposes of calculating the relevant financial contribution. At the time of writing this report, the draft S.106 Unilateral Undertaking to secure this contribution has been provided and is undergoing review by Legal Services. It is expected to be completed before the Planning Committee to which this application must proceed for determination. A report update will be provided ahead of the Committee on this matter.

As the site is in the zone of influence of the Pagham Harbour Special Protection Area (SPA), Arun 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 that would reduce the recreational pressures on Pagham Harbour and includes no significant physical development, no additional impacts on the SPA, direct or indirect, are identified. As such, the need for an AA is screened out.

The site is in the 2km Buffer Zone two SSSIs, Bognor Reef and Felpham. Given the scale and nature of the development, and that it is a brownfield site and in a dense urban grain, the proposals would not have any adverse impact on the SSSIs.

The proposal is in conflict with ALP policy ENV DM2 since the S.106 agreement to secure a financial contribution for the mitigation of potential recreational pressures has not been completed. Upon completion of the agreement, the proposal will comply with ALP policy ENV DM2.

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

## HERITAGE

The host dwelling alongside the remainder of its terrace (33, 39, and 41) are a Locally-listed Building of Character. Neighbouring units 33, 45 and 47 Glamis Street are Locally-listed Buildings of Character. These are Non-designated Heritage Assets.

The proposal has been accompanied by a Heritage Statement identifying these heritage assets, describing their significance, their contribution to the area, and identifying how the proposal may impact its setting.

The proposal involves the installation of two rooflights and solar panels on the rear roof slope and otherwise would not alter the external elevations. On this basis, the proposal would not directly or indirectly prejudice the heritage assets in question or their settings.

The proposal is in accordance with ALP policies HER SP1, HER DM2, BRNP Policy 2, and the NPPF.

## SUMMARY

The proposal is in conflict with ALP policy T SP1 due to a lack of on-site parking shortfall, however, for the reasons outlined in the report above, this conflict does not amount to any significant and demonstrable harm that would outweigh the benefits of the proposal. As such, paragraph 11(d)(ii) of the NPPF states that permission should be granted.

Following the completion of the S.106 Unilateral Undertaking, which is anticipated prior to the Planning Committee, the proposal will otherwise be compliant with relevant Development Plan policies and is recommended for approval subject to the S.106 Unilateral Undertaking and 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 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.

## CIL DETAILS

This application is not CIL liable.

## 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:

- OS MAP, LOCATION MAP (Location and Block Plan) A2025074.PA109, P01.
- Proposed Floor Plans A2025074.PA102, P01.
- Existing & Proposed Elevations A2025074.PA103, P01.
- Roof Plan (Including cycle storage details) A2025074.PA105, P01.

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

- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved 'Block plan' (A2025074.PA109, P01) and 'Roof Plan' (Including cycle storage details, A2025074.PA105, P01). 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 Prior to the first occupation of the use hereby approved, 2 No. Swift boxes shall be installed in the locations illustrated on the approved elevations and shall be retained thereafter.

Reason: To provide ecological enhancement protected and priority species on-site and secure a degree of biodiversity net gain in accordance with Arun Local Plan policy ENV DM5.

- 5 The development hereby approved shall not accommodate more than a cumulative maximum of 10 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 Prior to the first occupation of the use hereby approved, the flood risk mitigation measures identified in Section 6.2. of the Flood Risk Assessment produced by 'UK Flood Risk' (QFRA 2834, Version 1.0) shall be implemented in full.

Reason: To improve the flood risk resilience of the building and ensure it is sufficiently safe for its lifetime in accordance with Arun Local Plan policy W DM2 and the NPPF.

- 7 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 first occupation of the building for the use hereby approved, 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.

- 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).

- 9 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 NPPF.