

Recommendation Report for Planning Permission

REF NO: BR/4/22/PL

LOCATION: 83 Aldwick Road
Bognor Regis
PO21 2NW

PROPOSAL: Enlargement of existing HMO (Sui Generis). Single storey rear extension, rear roof dormer, front and rear rooflights (resubmission following BR/79/21/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Single storey rear extension, conversion of the roof above the main building with a new flat roofed dormer to its southern plane and four roof lights to the north to form an 11 bed HMO. An external staircase is proposed in between the existing two storey rear extension and main building. The ground floor commercial unit would be reduced from 126 sqm to 53.2 sqm with shopfront and access. The rear garden would provide private outdoor amenity space for occupiers, recycling/refuse bins would be along the east elevation of the single storey rear extension and cycle storage along the rear boundary. The rear garden is accessible through a 0.7m wide passage between the property and 84 Aldwick Road.
SITE AREA	404 square metres.
BOUNDARY TREATMENT	Up to 2m high close boarded timber fence to both sides and to the rear boundaries.
SITE CHARACTERISTICS	The building is a two-storey red brick structure with gable-ended pitched roof and shop front and clock in between first floor windows. It is on the south side of Aldwick Road between the junction with Neywood Lane and Park Road. To the rear of the building is a sizeable two storey rear addition with flat roof and a link structure between the main building and the addition. The ground floor of the main property and extension is in commercial use with 5 bedrooms at first floor. There is no vehicle access to the rear of the property.
CHARACTER OF LOCALITY	Predominantly three storey terraced properties with commercial uses at ground floor and residential above or within rear extensions. Buildings are set in medium plots abutting the highway in an urban environment. To the rear residential dwellings along with some care-homes are lining Stocker Road. Aldwick Road to the West of Bognor Regis town centre accommodates a range of local businesses, services and residential uses. In the surrounding area are 10 properties

registered as HMOs which support 58 people. Other permissions in the locality permit the use of single residential households to apartment and maisonettes. The character of the locality has increased density derived from recent conversions of housing stock into smaller household types. A recently approved application on the opposite site of Aldwick Road for temporary change of use of the former Royal Bay Care Home to temporary accommodation for 58 seasonal agricultural workers terminated in December 2021.

RELEVANT SITE HISTORY

BR/79/21/PL	Rear extensions and loft conversion to form enlarged HMO (Sui Generis) (resubmission following BR/206/19/PL).	Refused 18-05-21
BR/34/11/	Change of use from first floor offices (B1) to residential flat (C3)	App Cond with S106 30-03-11

A proposal for a mansard roof above the two storey rear element and 10m deep single storey extension to its rear elevation and the conversion of the roof above the main building to form a 16 bed HMO under BR/79/21/PL was refused.

Reasons for refusal:

1. The development results in an intensification of use that adversely affects the character of the area which would affect public and neighbouring amenities, would result in the generation of excessive parking demands which would harm nearby public amenity.
2. The second floor extension above the rear extension of No 83 Aldwick Road will result in a significant loss of sunlight, privacy and outlook of occupiers at No 81 Aldwick Road.
3. The applicant failed to provide a completed Section 106 legal agreement relating to contribution of £1,742 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

REPRESENTATIONS

Bognor Regis Town Council: Objection.

- Intensification of use adversely affects character of the area affecting public/neighbouring amenities;
- Generation of excessive parking demands would harm nearby public amenity, contrary to Policies H SP4, QE SP1 and T SP1 of the Arun Local Plan.
- Sub-division of commercial space on the Ground Floor for residential use in the business district of Aldwick Road is contrary to policy EMP DM1 of the Arun Local Plan.

1 letter of objection:

- There is limited parking on the roads and many HMOs in the surrounding area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

- The number of bedrooms has been reduced from 12 to 11 during the application and a condition will be imposed limiting the number of occupiers to a maximum of eleven.
- WSCC Highways does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC HIGHWAYS: Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and there are no transport grounds to resist the proposal.

PRIVATE SECTOR HOUSING: Bedrooms on second floor to the north side only have skylights/roof casements available. They appear to be the only source of light and ventilation in these rooms; they must meet all of the criteria listed in Private Sector Housing comments. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

DRAINAGE ENGINEERS Comments Regarding Surface Water Drainage: The development consumes so much of the site that if infiltration as a means of surface water disposal was viable then it would not be possible due to lack of space. There is a risk the extension could be built over a soakaway. It is likely surface water will have to be discharged at a restricted rate to the surface water sewer on Aldwick Road, this can be handled by Building Control.

SOUTHERN WATER: Not consulted on this application, however their comments from the previous application (BR/79/21/PL) are relevant due to the similarity of the application:

- Requirement of a formal application for a connection to public foul sewer;
- There is a private foul sewer within the site.

NATURAL ENGLAND: No objection, subject to appropriate financial contribution and appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Appropriate Assessment has been sent to Natural England and approved.

POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Access Management Zone B;
Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

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DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETSP1	RET SP1 Hierachy of Town Centres
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and 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 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.

There is no relevant policy in the Bognor Regis Neighbourhood Plan 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."

section 70(2) of TCPA 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,
- (a) 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.

The proposal is considered to comply with relevant Development Plan policies as the amendments and a transport statement put forward by the applicant mean that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact on the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, retail, design and visual amenity, residential amenity, highways/traffic, space standards and impact on Pagham Harbour.

PRINCIPLE

The site is in the built up area where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as principle of conversion, character, residential amenity, noise, highway safety & parking and space standards.

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 NPPF." Para 120 (d) of the NPPF states planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops)".

The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

IMPACT ON THE VITALITY & VIABILITY OF THE TOWN CENTRE

RET SP1 of the Local Plan supports measures which reinforce their role in meeting communities needs and providing a focus for a range of activities including retail. Policy RET SP1 accords with para 8 of the NPPF in achieving the environmental role of sustainable development by guiding housing to sustainable built up locations.

Policy RET DM1 protects retail units as singular units and does not afford protection to net floor space. RET DM1 does not prevent the part change of use from retail. The intent behind RET DM1 is to maintain the retail offering throughout the District. In this case retail floor space would be lost however the retail unit would be retained. The partial loss of retail floor space would not conflict with Policy RET DM1 of the Local Plan and paragraph 86 of the NPPF.

The site forms part of an undefined retail frontage in the suburban centre of Aldwick with a varied mix of shops, local Tesco store, takeaways, estate and letting agents and other uses like private business offices and a showroom. Whilst the site is outside of the primary shopping area this partial change of use to residential would maintain the significance of the shopping area.

Since the proposal is for a change use from C3 to Sui Generis HMO the proposal should be assessed against the Arun Local Plan policy H SP4.

Policy H SP4 (ALP) states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive and mixed communities and meeting the detailed criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing;
- b. Do not contribute to the generation of excessive parking demands or traffic in an area;
- c. Provide adequate areas of open space.

The development utilises a site which provides a mix of retail and residential and would deliver an 11 bed HMO. A proposal for a HMO in a sui generis use contributes a single additional dwelling towards the Council's annualised housing targets in a period where a shortage of housing land has been identified. The development would deliver additional bedrooms on a previously developed site which is sustainably located.

Policy H SP4 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.

In applying this criteria to development proposals, para 12.5.1 of the Local Plan makes clear that '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.'

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

There is a significant number of HMOs in the area, however the permission for a temporary change of use of the former Royal Bay Care Home to accommodate 58 seasonal agricultural workers on the opposite side of the road expired in December 2021. Given the reduction of previously proposed 16 bed HMO to the currently proposed 11 bed HMO the development would not result in an unacceptable increase of population in this area and would not affect its character. In addition, a condition limiting the number of occupiers will be imposed on this decision.

As assessed in sections below, that no wider adverse highways impacts would result and no objection has been raised by WSCC Highways. The LPA is required to assess any impacts on amenity deriving from the parking demands created.

A parking capacity survey has been undertaken detailing adequate parking and the preference of users will be to seek free on-street parking where available as close to the property as possible. Whilst the proposal may place additional parking demand on local streets, parking restrictions are in force on Aldwick Road and the Local Highway Authority is satisfied that the effects would not be severe and there would be no harm to highway safety.

On the basis of the above, the development would not result in the generation of excessive parking demands resulting in demonstrable harm to the amenity of the locality; therefore it would not be contrary to criterion (b) of Policy H SP4 of the Local Plan.

The development includes an area of private amenity space to the rear. The area of private amenity space would be used for the cycle storage, however it would provide a secluded, quiet and tranquil area as well. The development seeks up to 11 people to occupy the building and suitable usable amenity space would be provided. The development would be in a general conformity with criterion (c) of Policy H SP4 of the Local Plan.

On the basis of the above, the development is in a general conformity with Policy H SP4 (criteria a,b and c) of the Local Plan.

DESIGN AND CHARACTER

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D DM4 of the Local Plan requires accordance with 5 point criteria when assessing applications for extensions and alterations to existing buildings.

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The Arun Design Guide Supplementary Planning Document (SPD) adopted on 25th January 2021 is a material consideration in the determination of applications. Part M which deals with Extensions requires the scale, massing and positioning of extensions should be visually subservient to the existing property to ensure the latter remains the dominant form; privacy can be maintained by locating and designing windows to prevent overlooking. Extensions should preserve the amenity of the original and neighbouring properties in terms of privacy and overshadowing.

Para 130 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

There are no changes proposed to the external appearance of front elevation except the insertion of 4 roof-lights. The proposal would transform existing ground floor of rear addition from commercial use into two bedrooms and two shower rooms. At first floor level, the existing 5 bed HMO accommodation would be refurbished and updated to provide 6 en-suite bedrooms and a tea kitchen. In the converted roof-space a further 2 en-suite bedrooms would be provided, served by a rear roof dormer and front and rear rooflights. The single storey rear extension would extend the existing two storey flat roofed rear addition

by 10m, would be 3m high and provide 1 bedroom and communal area (kitchen/living/dining) with a direct access to the outdoor amenity space. An external staircase is proposed between the existing two storey rear extension and the main building.

The extension would be visually integrated with the rear of the proposal building in sitting, massing and design and would respond to the pattern of surrounding development. The proposal would be sited away from public views and would not harm the character and appearance of the area and therefore it would comply with Arun Local Plan policies D DM1, D SP1, D DM4, the Arun Design Guide and with the guidance on character within the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Supporting text (para. 12.5.2) to HMO policy H SP4 states "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 however "increased occupancy may well give rise to noise and disturbance".

Para 130(f) of the NPPF states decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraphs 120, 125(c) and 127(f) are consistent with Arun Local Plan policies in that they seek to deliver appropriate development without being to the detriment of existing residential amenities.

The proposal seeks the conversion of a large part of the store floor space at ground floor to the rear of 83 Aldwick Road. This conversion would be encompassed in the confines of building and would not result in adverse impacts on neighbouring amenity. A residential use is not a noise generating form of development especially within an area of a mixed use development. The residential use would have similar characteristics to other residential properties in the locality.

There are no additional habitable windows at the first floor level, on the contrary, one habitable window facing to the south would be bricked up. The only habitable windows proposed would be those on the single storey extension. Given the position of the property, an existing boundary treatment and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

The proposal would have minimal impact to users and occupiers of nearby properties considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1, QE SP1 of the Arun Local Plan and par 130(f) of the

NPPF.

PARKING, TRAFFIC AND HIGHWAYS IMPACTS

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

Para 110 of the NPPF states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para 111 affirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Arun Parking Standards 2020 have no specific category for HMO use but at Table 3.1 shows the expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms and 1 cycle parking space per unit for 1 bed flats/houses. If nil car parking provision is proposed according to ADC Parking Standards, Principle 2.13 it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.

No vehicular access exists to the site and this application proposes no alterations to this arrangement. A nil car parking provision is proposed for the development.

The site is sustainably positioned in walking distance of a variety of local shops and services, including bus stops providing access to Bognor Regis, Chichester and further afield. Bognor Regis is in walking distance which provides wider facilities and services. Cycling is a viable option, a secure and covered cycle store proposed for up to 8 cycles is proposed on the plans. A condition will be imposed regarding cycle parking.

WSCC does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal subject to suggested conditions.

The applicant submitted a Transport Statement dated February 2022 to investigate and advise on the transport impacts of the proposed HMO and 53.2m² of commercial space. A parking survey was undertaken to demonstrate availability of parking spaces on roads local to the development. Based on the survey and local car ownership levels, there is sufficient space available on the local roads to accommodate parking demand resulting from the development. A trip forecasting exercise was undertaken using the TRICS database to determine trip generation of the development. In comparison with the existing site, the proposed development is likely to lead to:

- Around 1 additional two-way vehicle trip in the weekday AM peak period (0800-0900);
- Around 1 additional two-way vehicle trip in the weekday PM peak period (1700-1800);
- Overall, around 8 additional two-way daily weekday vehicle trips are forecast.

The resultant trips in the AM and PM peak hours would not have a material impact and could be readily accommodated on the local highway network.

With conditions to secure provision of 11 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 accord with policies T SP1, T DM1 and H SP4(b) of the Arun Local Plan and ADC Parking Standards.

PROVISION OF INTERNAL SPACE FOR HMO OCCUPANTS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

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 need to be adhered to in order to receive an HMO licence from the Council.

The Council's Private Sector Housing Officer has noted that bedrooms on second floor only have skylights and they appear to be the only source of light and ventilation in these rooms. They must meet all of criteria listed within Private Sector Housing comments. If the use does not meet the HMO Standards, this is likely to be identified as a hazard under the Housing Health and Safety Rating System (HHSRS). The HMO Officer can provide general advice in respect of fire safety, ventilation and legislation requirements. The accommodation is acceptable in planning terms and it is for the applicant to ensure compliance with all other relevant legislation.

It is considered the proposal is acceptable in terms of internal space standards and minimum room sizes for this type of use.

WASTE STORAGE PROVISION:

Policy WM DM1 of the Arun Local Plan affirms "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.

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.

For the above reason, the proposed development would broadly comply with policies WM DM1 and H SP4 (para. 12.5.5) subject to condition.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires new residential developments within 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. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

NPPF, paragraph 174 a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. It should be considered whether the development, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for the enlargement of a 5-bedroom HMO results in recreational disturbance only to Pagham Harbour. Having considered mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an adverse effect on the Integrity of the European protected site(s).

On the basis of a net gain of 6 bedrooms (equal to two units), the applicant has agreed to the £1742 contribution at the current rate. The applicant has provided a signed Section 106 legal agreement to this effect. Therefore it is considered that the application would comply with policy ENV DM2 of the Arun Local Plan.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall 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)."

The proposal is for a single storey extension in garden land. Submission of further information demonstrating what will be included within the scheme and what level of net gain will be created is required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions and complies with ENV DM4.

CONCLUSION

The proposed enlargement of 5 bed HMO to an 11 bed HMO 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.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and therefore it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to 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

This decision will be granted with a S106 legal agreement relating to a contribution of £1,742 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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 other than as they relate to bin and cycle storage:

Dwg No 01 Location Plan & Existing Ground Floor Plan;
Dwg No 04B Proposed Ground Floor Plan;
Dwg No 05A Proposed First & Second Floor Plan;
Dwg No 06A Proposed Sections & 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.

- 3 The use hereby approved shall be for the benefit of a maximum of eleven occupants only.

REASON: To protect the amenities of the locality and adjoining property in accordance with Policy D DM1 and H SP4 of the Arun District Local Plan.

- 4 Details for the storage of waste on the premises specifying the total quantum of waste storage provision for the HMO shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details so approved shall be implemented prior to occupation and retained in perpetuity.

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

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces for 11 bicycles have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be retained in perpetuity.

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.

- 6 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 prior to the occupation of the HMO and retained thereafter.

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

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £1742 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

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

- 9 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on (01903) 737555