

Recommendation Report for Planning Permission

REF NO: BR/61/22/PL

LOCATION: 20 Nyewood Lane
Bognor Regis
PO21 2QB

PROPOSAL: Change of use to 5 bed house in multiple occupation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the change of use of a detached house to a house in multiple occupation (HMO). The HMO would consist of two en-suite bedrooms on the ground floor, three (one of them en-suite) on the second floor. There is one bathroom and utility room on the first floor and a shared kitchen and dining/garden room with access to the rear garden and a hall on the ground floor. No changes are proposed to the external appearance. Parking for five cars with bin storage to the front and side is available.
SITE AREA	299.00 sqm.
BOUNDARY TREATMENT	Approximately 0.60m high wall to the southern boundary to the front. Slightly above 1m high timber panel fence to sides in front of property. Open to the front.
SITE CHARACTERISTICS	Two-storey detached, L shaped house with gabled roof to the front and half-hipped to the side with a side entrance, west facing front elevation and single storey rear extension. The property already has 5 bedrooms there is no change in the number of beds. The property is on the east side of Nyewood Lane, close to the junction with Stocker Road. The frontage is laid out for car parking, including vehicle access along the south of the building. The rear garden is laid to lawn with mature shrubs in borders.
CHARACTER OF LOCALITY	Residential with some tourist uses to the west of Bognor Regis. Properties vary from blocks of flats on Marine Park Gardens to two storey detached dwellings of a similar style and character and commercial premises to the north on the junction with Aldwick Road. Residential and Care Homes along Stocker Road.

REPRESENTATIONS

Bognor Regis Town Council - objection:

- Loss of another family home to an HMO.
- Increased risk of crime; and
- Potential to increase traffic generation at the junction of Nyewood Lane/Richmond Avenue in an area

with a Traffic Regulation Order.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues are discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND: no objection but require the Local Planning Authority carries out an Appropriate Assessment to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site.

PRIVATE SECTOR HOUSING: no objection. Full comments are online. Any property that has 5 or more people sharing facilities requires a license. Housing standards, including room sizes and facilities must be complied with.

ENVIRONMENT AGENCY: initially raised objection but following the submission of Flood Risk Assessment, now state no objection and recommend no conditions.

COMMENTS ON CONSULTATION RESPONSES:

NATURAL ENGLAND - An Appropriate Assessment (AA) was issued to Natural England for review on the 30 June 2022. It is likely Natural England will advise that subject to the contribution being secured, there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. A copy of the AA is on the website. Should a response be received then this will be reported to members by way of a report update.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary.

Class C Road.

Part Current/Future Flood Zone 3 (the site frontage); and

Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
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

SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

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. There are no relevant policies within the Bognor Regis Neighbourhood Development Plan for 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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, to the amenities of future residents, to the integrity of the Pagham Harbour Special Protection Area or result in a severe impact on the local highway.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is in the built-up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan covering such issues as change of use, visual/residential amenity, highway safety and parking.

The proposal is acceptable in principle given its location in a sustainable location within a short walk from a local shopping parade. Since the proposal is for a change of use from class C4 to a sui generis HMO, the proposal should be assessed against ALP policy H SP4.

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:

- 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.

These criteria are discussed in the rest of these conclusions, but it is concluded that the proposal is compliant with the criteria.

CHARACTER OF THE AREA:

Regarding criterion (a) of policy H SP4, there are existing HMOs in this area. Within a 100m radius of the site there are 5 HMOs: 17 & 26 Nyewood Lane, 18-20 Stocker Road and 83 & 86 Aldwick Road. Temporary planning permission for 86 Aldwick Road (change of use from care home to temporary accommodation for 58 seasonal agricultural workers) expired on 02/12/21, however a new application for the continued use of the property for the same (BR/97/22/PL) has been submitted. Within a 200m radius of the proposal site there are further 4 HMOs: 49 Aldwick Road, 120-124 Aldwick Road (Ashley House), and 110/110a Aldwick Road.

The character of the locality has an increased density derived from recent conversions of housing stock into smaller household types and conversions to HMO's. 20 Nyewood Lane is already in use as a small HMO under use class C4. A condition will be imposed to the decision to limit the number of occupants up to maximum of 8. Therefore, there would only be 2 additional residents above the C4 allowance (shared dwelling houses occupied by between 3-6 unrelated individuals does not require permission).

The building is two storeys with a plain tile roof and textured render finish walls. Door and window openings remain unchanged, apart from the replacement of a single glazed door and window frames in the same opening format.

The area is mixed with residential properties on the east side of Nyewood Lane and a parade of shops opposite, further shops and dwellings on Aldwick Road and then dwellings on the remainder of Nyewood Lane. There are flats above shops on the junction with Aldwick Road and a purpose-built flatted building on Nyewood Lane. Along Marine Park Gardens, to the immediate north is a guesthouse and there is also a HMO at 26 Nyewood Lane and at 17 opposite. A slightly larger number of residents in the dwelling would not be out of character in this location. The development would not result in an unacceptable increase of population in this area and would not affect its character.

Paragraph 12.5.5 of the Local Plan (HMO) 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.'

Therefore, there should be no discernible difference in waste production between the existing and proposed uses.

The proposal complies with ALP policies D DM1 & H SP4 (a) and with the guidance on character within the NPPF. Criteria (c) and (d) of policy H SP4 will be analysed elsewhere in this report.

RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development.

20 Nyewood Lane has a C4 use which allows for the accommodation of at least 6 people in an HMO arrangement and the use would provide accommodation for up to 8 people. The use remains residential and will have similar characteristics to residential properties in the locality. A noise report and evidence are not required given the nature of the development which would result in only a slight intensification. The use will not adversely affect the residential amenity of the area in respect of noise pollution to a greater degree than a C4 use would do.

The only change is a replacement of single glazed door and window frames in the same opening format, therefore there would not be any new overlooking impacts that would occur. The proposal therefore complies with ALP policies D DM1, QE SP1 and QE DM1.

HIGHWAYS, TRAFFIC AND PARKING:

ALP policy T SP1 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 HMO's should not contribute to the generation of excessive parking demands or traffic in the area.

The Arun Parking Standards 2020 has 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 and 1 cycle parking space per unit for 1 bed flats/houses.

The applicant proposes a 5-parking space provision for 5 bed HMO. However, inspection of the plan shows that the proposed hardstanding (5.2 x 9.8 metres) is only large enough to accommodate 3 parking spaces (2.4 x 6 metres, health and safety obstruction of a doorway or window escape) plus one space in tandem.

No secure and covered cycle parking facilities are proposed and so a condition will be imposed to require the provision of cycle parking spaces in accordance with the Arun Parking Standards 2020 which would help promote the use of sustainable alternative modes of transport to the private car. A condition will be imposed requiring the car parking spaces to be available prior to occupation.

WSSC local mapping shows there are comprehensive parking restrictions prohibiting additional vehicles from parking in places that would be detriment to highway safety. Subject to planning conditions to secure vehicular & cycle parking and EV points, the proposal would accord with ALP policies T SP1, T DM1 and with criterion (b) of policy H SP4, the ADC Parking Standards SPD (2020) and the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

Both the ALP policy D DM2 and the Design Guide require that new residential development provide sufficient internal living space to ensure a decent standard of amenity for future occupants. However, the national standards do not provide any relevant guidance for HMOs and as the proposal includes shared kitchen/dining accommodation, it is not appropriate to apply the standards for a 1 bed flat. Instead, reference is made 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. The room size requirements are:

- (1) 6.5m² for a single bedroom where a lounge and kitchen or kitchen diner is shared.
- (2) 10m² for a single bedroom where a kitchen is shared without a shared lounge.
- (3) 10.5m² for a double bedroom where a lounge or dining room or sized kitchen diner is shared.
- (4) 12m² for a double bedroom where a kitchen is shared without a shared lounge area; and
- (5) 13m² for a one roomed unit with kitchen facilities for a single person.

In the case of this application, all rooms comply as the smallest bedroom is 7.7m² whilst the largest is 20.3m².

Policy HSP4, criterion c. requires the provision of adequate areas of open spaces. There is a garden of 61m² to the rear and there is also easy access to nearby public open spaces like Marine Park Gardens and West Park at a distance of 100m and 480m. The sea is approximately 150m away. On this basis, the development complies with ALP policy H SP4(c) as the rear garden is of an acceptable size for up to 8 people.

FLOOD RISK:

The site frontage lies in current Flood Zone 3 with no predicted increase due to climate change. No part of the building is affected. ALP policy W DM2 states development in areas at risk from flooding will only be permitted where certain criteria have been satisfied.

The applicant has supplied a Flood Risk Assessment (FRA) which concludes that the site (building) is within Flood Zone 1 and therefore no need to consider the sequential or exception tests or to propose mitigation and this is appropriate. The Environment Agency have considered the FRA and raise no objections with no conditions recommended. There is no conflict with ALP policy W DM2.

PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and this application results in a net increase in a slight intensification in occupancy.

Based on the net gain of people (equal to one dwelling), the applicant has agreed to the £871 contribution, and this is secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

Notwithstanding, Arun DC are required to carry out an Appropriate Assessment (AA) to assess the

impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA was issued to Natural England for review on the 30th of June 2022 with a request for a response within 10 days. Natural England's response will be reported to the committee by report update.

BIODIVERSITY:

ALP policy ENV DM5 requires that development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing buildings in high density urban areas tend to have low potential as habitat for protected species therefore this is acceptable. However, it is still necessary to demonstrate biodiversity net gain. As there is no response from the applicant on this, it is proposed to impose a condition to require details of improvements to secure biodiversity net gain. This would satisfy policy requirements.

SUMMARY:

The conversion of this property 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 sustainable development.

The policies most relevant to this application are not considered out of date and so an approval would be in accordance with paragraph 11c of the NPPF and therefore it is recommended that permission is granted subject to conditions and the agreed legal agreement.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

There is no level access to the existing building and so access for those in a wheelchair would be difficult but not impossible. There would be a neutral impact on the other protected characteristics.

SECTION 106 DETAILS

This decision will be granted with a s106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to the Pagham Harbour Special Protection Area by the proposed intensification of the existing building.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg No P 01 Block and Location Plan;
Dwg No P 04 Proposed Floor Plans;
Dwg No P 05, Proposed 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 eight occupants only.

Reason: To protect the amenities of the locality and adjoining property in accordance with policies D DM1 and H SP4 of the Arun Local Plan.
- 4 Within 3 months of the date of commencement of this permission 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 6 months of the date of approval of the details and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.
- 5 No part of the development shall be first occupied until the car parking spaces shown on the approved plans have been constructed and shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policies D DM1 and T DM1 of the Arun Local Plan.
- 6 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any

potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided and 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.

- 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 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.

- 9 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to the Pagham Harbour Special Protection Area by the proposed intensification of the existing building.

- 10 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