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1.00 THE APPLICATION SITE AND ITS LOCATION

- 1.01 The application site known as Aldwick House, 41-45 Nyewood Lane, is situated within the built-up confines of Bognor Regis, consisting of a predominantly flat, square shaped parcel of land amounting to 0.10 ha (0.27 acres), occupying a corner position, enjoying a frontage of 33m with Nyewood Lane, and 33.2m with Richmond Avenue. It is found within easy walking distance of a busy crossroads where Nyewood Lane meets the B2166 Aldwick Road, where a local shopping area occupies both sides of the highway. The design of buildings situated within this retail area is decidedly varied, with no common style in evidence.
- 1.02 The front elevation of Aldwick House where it faces onto Nyewood Lane comprises an imposing 2-storey building with rooms in the roofspace, accompanied by projecting bay windows at ground and first floor levels. Within the street scene the external elevations of the building occupying the application site are constructed of buff coloured brickwork and buff coloured rendering beneath a tiled roof, with red brick quoins around principal openings. Tile hanging is evident between bay windows as well as within the apex of the gable fronted roofs.



- 1.03 The Aldwick House elevation facing onto Richmond Avenue enjoys projecting bay windows at ground floor level with windows present on first and second floors, with extensions perpendicular to the main building projecting to the west, orientated parallel with the carriageway of Richmond Avenue, where a single storey hipped roof extension also fronts onto the same highway.



- 1.04 The building occupying the application site once comprised four individual dwellinghouses, prior to being the subject of individual changes of use, followed by extensions and alterations, and a subsequent change of use from a guest house and private residence to a 32-bed Class C2 nursing home in accordance with planning permission granted on 16th October 1991.
- 1.05 Lying to the immediate west of the application site is a 3-storey L-shaped building comprising a block of apartments known as Bickleys Court, constructed of red brickwork below a false mansard roof, to the rear of which is a large open car parking area. A 1.7m high brick wall supplemented by tall leylandii tree planting separates the adjoining residential development from the application site. Immediately opposite Aldwick House on the eastern side of Nyewood Lane is a cream colour washed rendered building beneath a slate roof with projecting bay

windows at ground and first floor levels and a distinct portico entrance, in use as flats.

- 1.06 A strong characteristic feature of built development representative of this part of Bognor Regis is the presence of semi-detached properties, comprising single or double fronted gabled elevations facing onto respective highways, often comprising projecting bay windows at ground and first floor levels beneath tiled roofs. This theme is replicated on the northern side of Richmond Avenue in close proximity to the application site where 2-storey gabled fronted semi-detached properties with bay windows at ground floor level constructed of a buff coloured render on the front elevations beneath tiled roofs, accompanied by red brick quoins, are readily visible within the street scene.



- 1.07 The application site is easily accessible to public open space found in the general vicinity of the sea front, between Marine Drive West and King's Road, less than 125m away, with the "*West Park Amenity Area*" found within 250m from the application site. Public transport is available with bus stops found within less than 175m of Aldwick House, where regular services are provided to nearby settlements. Bognor Regis Railway Station, is located within a maximum preferable walking distance of 1.3 km from the application site.

2.00 PLANNING HISTORY

2.01 I have set out in chronological order in Table 1 overleaf those applications which have related to either parts of, or the entire site which forms the subject of the current application. This table reveals how the land at Nos 41-45 Nyewood Lane, which also enjoys a frontage onto Richmond Avenue, has been consolidated so as to form a single planning unit, particularly since Application No. BR/212/91 was granted conditional permission by your authority on 16th October 1991 for a change of use from a guest house/private residence to a nursing home, to be used in conjunction with adjoining buildings which at that time was known as The Nyewood Centre.

2.02 Where certain factors are considered to be significant to the circumstances surrounding the current application, they have been outlined below in the conclusions drawn from the planning history.

1. Conclusions Drawn from the Planning History

2.03 Four key factors emerge from the planning history which are considered relevant in a consideration of the current application on land at Aldwick House, 41-45 Nyewood Lane.

- A. It can be seen that the process which led to four individual buildings being amalgamated and consolidated to comprise the current application site started over 60 years ago when planning permission was granted on 26 March 1959 in accordance with Application No. BR/28/59 for the conversion of Benhilton, 43 Nyewood Lane into two flats. Eleven years later, full planning permission was granted for a change of use of 45 Nyewood Lane from a dwellinghouse to a private hotel in accordance with the details accompanying Application No. BR/184/70, which it is understood was also implemented. Two years later, Application No. BR/504/72 was submitted for a change of use of land at 1 Richmond Avenue to a rest home, granted conditional permission on 22nd September 1973. It can be seen that 47 years ago, Nos 43 & 43 Nyewood Lane along with 1 Richmond Avenue, which all form part of the current application site no longer were in use as dwellinghouses.

TABLE 1
Sequence of Events in the Planning History Associated with the Land Known as Aldwick House 41-45 Nyewood Lane, Bognor Regis, West Sussex PO21 2SJ

Arun DC Application No	Date of Submission	Address & Proposed Development	Date & Nature of Decision	Other Comments Pertinent to the Current Application
BR/28/59	-	Conversion of Benilton, 43 Nyewood Lane to 2 flats FULL	Conditional Permission 26.03.59	The conversion of this property where it forms part of the current application site took place over 60 years ago
BR/112/61	-	Erection of a carport on land at 41 Nyewood Lane FULL	Conditional Permission 24.08.61	-
BR/68/65	-	Erection of a carport on land at 1 Richmond Avenue FULL	Conditional Permission 21.07.65	-
BR/184/70	-	Change of use of dwelling to a private hotel at 45 Nyewood Lane FULL	Conditional Permission 06.05.70	This permission was implemented, meaning that Nos 41 & 45 Nyewood Lane ceased being used as dwellinghouses approximately 40 years ago
BR/504/72	-	Use of land at 1 Richmond Avenue as a rest home. FULL	Conditional Permission 22.09.72	This permission introduced what is now a Class C2 use on part of the current application site.
BR/541/83	-	Erection of conservatory and covered passage on land at 1 Richmond Avenue and 43 Nyewood Lane FULL	Conditional Permission 31.08.83	This was the first application which included land forming 2 properties which now comprise part of the current application site
BR/472/86	17.11.86	Change of use from residence to a rest home for the elderly on land at 43 Nyewood Lane FULL	Conditional Permission 01.04.87	This introduced a Class C2 use onto land at 43 Nyewood Lane where an identical use had been granted permission on 1 Richmond Avenue on 22 September 1972. This permission is required to be seen in conjunction with the previous application concerning land at 43 Nyewood Lane granted full planning permission on 31 August 1983.
BR/9/88	08.01.88	Extensions and alterations to existing properties to provide new lounge and link block between buildings and new wash up and workshop to replace existing store on land at Northdene, 1 Richmond Avenue & 43 Nyewood Lane. FULL	Conditional Permission 28.03.88	This formed the first stage of consolidation of development of part of the current application site for use as a C2 nursing home.

BR/431/88	26.07.88	Erection of extensions and alterations to existing lounge area with 3 No bedrooms over on land at Northolme, 1 Richmond Avenue & 43 Nyewood Lane FULL	Conditional Permission 02.11.88	
BR/444/88	08.08.88	Proposed enlargement of boiler room on land at Northolme, 1 Richmond Avenue & 43 Nyewood Lane FULL	Conditional Permission 05.09.88	
BR/212/91	04.09.91	Change of use from guest house/private residence to a nursing home (to be used in conjunction with the adjoining building, The Nyewood Centre) FULL	Conditional Permission 16.10.91	This is the first application which sought to consolidate all the buildings which now form part of the application site to a non-dwellinghouse use. This permission was the subject of a permission which read as follows: "The premises shall be used as a nursing home and for no other purpose involving any other purpose in Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987" The reason for the imposition of the condition was "In order that the LPA can control the development in detail in the interests of the amenities of the area."
BR/305/07	15.10.07	Erection of a rear conservatory on land which has now become known as the Aldwick House Care Home FULL	Conditional Permission 22.11.07	This application is commensurate with the current application site
BR/308/09	24.12.09	Extension to a day room and infill to existing entrance porch on land at 45 Nyewood Lane FULL	Conditional Permission 06.02.10	This application concerned land which is commensurate with the current application site.

- B. The period in the 1980s is commensurate with the time when five individual applications were submitted to your authority concerning land at 1 Richmond Avenue and 43 Nyewood Lane. The second of these five applications Reference. No. BR/472/86 sought a change of use of land at 43 Nyewood Lane to a rest home for the elderly which was granted full planning permission on 1st April 1987. The same property had previously been granted planning permission for its conversion into two flats. The remaining four applications all sought extensions and alterations to the existing buildings.
- C. The first application commensurate with the land which now forms the subject of the current application site was submitted to your Council on 4th September 1991 under Reference No. BR/212/91. It sought a change of use from a guest house/private residence to a nursing home (to be used in conjunction with the adjoining building, The Nyewood Centre). This application was granted conditional permission on 16th October 1991, at which time a condition was attached to the decision notice permitting its use only as a Class C2 nursing home. In effect, all the buildings which now comprise the current application site, and which had all been the subject of extensions and alterations throughout the 1980s, were in use as a C2 nursing home 29 years ago.
- D. Minor alterations have been permitted since Application No. BR/212/91 was granted conditional permission on 16 October 1991. The Case Officer's delegated report in respect of Application No. BR/305/07 had the following comments to make under the titles "*Site Characteristics*" and "*Character of the Locality*", which have not altered to the present day. These comments made approximately 13 years ago are considered equally relevant today when considering the proposed development now submitted on behalf of Gatwick Bedsits.

"Site Characteristics *The site is formed of a number of previously separate buildings which have been amalgamated together and now house a nursing home. The building closest to the proposed site is two storey with roof dormers and has colourwash smooth rendered walls and gable roof with concrete tiles. The adjoining building is red brick with a*

gabled concrete roof. A number of small red brick single storey flat roof extensions have been added to the rear of the site.

Character of Locality *The surrounding area is characterised by relatively high density semi detached and detached two storey buildings interspersed at times with larger buildings or flats."*

3.00 PLANNING POLICIES

I. Legislative Framework

- 3.01 When making a determination, decision-makers are required to follow the correct legislative process which comprises two parts. The first part is concerned with Section 70(2) of the Town & Country Planning Act 1990 (As Amended) which requires the decision-maker to “... have regard to (a) the provisions of the 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.” This identifies those matters which must be taken into account by the decision-maker for the purposes of a lawful determination.
- 3.02 The second part is concerned with Section 38(6) of the Planning & Compulsory Purchase Act 2004 which has been reproduced below. In the context of the current application, the “development plan” refers to an adopted or saved plan or “made” neighbourhood plan in accordance with Section 38(3) of the Planning & Compulsory Purchase Act 2004.

“(6) 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.”

- 3.03 The priority given to the “development plan” through Section 38(6) of the Planning & Compulsory Purchase Act 2004 reflects the “plan-led” principle of this country’s planning system. Planning policies are not statutory or contractual provisions and should not be construed as if they were, with the proper interpretation of planning policies being ultimately a matter of law for the Courts. The application of relevant policy, including an assessment of the facts against the “development plan” and the weighing of all material considerations are for the decision-maker. A failure to properly understand and apply relevant policy will constitute a failure to have regard to material considerations or will amount to having regard to an immaterial consideration, as found by Lord Reed in the Supreme Court judgment Tesco Stores Ltd v Dundee City Council (2012) UKSC 13¹.

¹ See paragraphs 17 to 22 of this Supreme Court judgment

- 3.04 The meaning of the requirement in Section 38(6) of the Planning & Compulsory Purchase Act 2004 that “...the determination shall be in accordance with the plan...” was considered by Ouseley J. in the High Court case Cummins v Camden LB Council (2002) [PL 1147], where the Judge noted that “*the ‘accordance’ of this determination has to be ‘with the plan’; it is not in accordance with each relevant policy in the plan.*” Ouseley J went on to quote with approval from the High Court judgement of Sullivan J (as he was then known) in Regina v Rochdale LBC Ex Parte Milne (20012) Env LR 22 where the Judge had said:-

“It is not at all unusual for development plans to pull in different directions. A proposed development may be in accordance with development plan policy which for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there may be no clear cut answer to the question: ‘Is this proposal in accordance with the plan?’ The local planning authority has to make a judgement bearing in mind such factors as the importance of the policies which are being complied with or infringed, and the extent of compliance or breach.” (my emphasis)

- 3.05 Paragraph 2 of the National Planning Policy Framework published on 19th February 2019 (hereinafter referred to as the NPPF 2019 or Framework) confirms that national policy has to be taken into account in preparing the development plan, and is a material consideration in planning decisions. The NPPF 2019 gives continued emphasis to the primacy to be afforded to the plan-led system, whilst at the same time seeking to ensure that sufficient pressure remains on Local Planning Authorities to identify and deliver a sufficient supply of housing.

A. The interpretation of Paragraph 11 of the NPPF

- 3.06 The NPPF 2019 refers to the presumption in favour of sustainable development in paragraph 11, setting out the procedure which should be adopted when adjudicating upon individual proposals:-

“11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) *Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*

- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas², unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area³; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*

For decision-taking this means:

- c) *approving development proposals that accord with an up to date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁴, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed³; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

3.07 It is important to consider what was said by Mr Justice Holgate in the High Court judgment Monkhill v Secretary of State for Housing Communities and Local Government and Waverley BC (2019) EWHC 1993 (Admin) delivered on 24th July of last year, when interpreting paragraph 11 of the Framework. He stated in paragraph 45 of

² As established through statements of common ground (see paragraph 27)

³ The policies referred to are those in this Framework (rather than those in development plans) relating to habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; and designated as Green Belt, local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change. [Referred to as Footnote 6 policies in the NPPF 2019]

⁴ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

the judgement “The following practical summary may assist practitioners in the field, so long as it is borne in mind that this does not detract from the more detailed analysis set out above.”

- *“It is of course necessary to apply s.38(6) in any event;*
- *If the proposal accords with the policies of an up-to-date development plan taken as a whole, then unless other considerations indicate otherwise, planning permission should be granted without delay (paragraph 11(c) of the NPPF);*
- *If the case does not fall within paragraph 11(c), the next step is to consider whether paragraph 11(d) applies. This requires examining whether there are no relevant development plan policies or whether the most important development plan policies for determining the application are out-of-date;*
- *If paragraph 11(d) does apply, then the next question is whether one or more “Footnote 6” policies are relevant to the determination of the application or appeal (limb (i));*
- *If there are no relevant “Footnote 6” policies so that limb (i) does not apply, the decision-taker should proceed to limb (ii) and determine the application by applying the tilted balance (and s.38(6));*
- *If limb (i) does apply, the decision-taker must consider whether the application of the relevant “Footnote 6” policy (or policies) provides a clear reason to refuse permission for the development;*
- *If it does, then permission should be refused (subject to applying s.38(6) as explained in paragraph 39 (11) to (13) above. Limb (ii) is irrelevant in this situation and must not be applied;*
- *If it does not then the decision-taker should proceed to limb (ii) and determine the application by applying the tilted balance (and s.38(6)).”*

3.08 In the context of the proposed development at Aldwick House, 41-45 Nyewood Lane, the applicant’s position is that the change of use from a Class C2 nursing home to a sui generis HMO use accords with the policies in an up-to-date development plan taken as a whole, and to the extent there are no other considerations which indicate otherwise, planning permission should be granted without delay, in accordance with paragraph 11c) of the Framework.

3.09 Alternatively, if this proposition is not accepted, then it is equally evident that there are no “Footnote 6” policies relevant in a determination of the proposed development. As a consequence, limb (i) of Paragraph 11d) of the Framework is

not applicable, with the decision-taker then required to proceed to determine the application by applying limb (ii) of paragraph 11d) of the Framework, and the “tilted balance”.

- 3.10 It will be demonstrated in this, as well as the following chapter, that in applying the “tilted balance”, planning permission should be granted. This is because firstly, there are no adverse impacts which significantly and demonstrably outweigh the benefits arising from the change of use of Aldwick House from a Class C2 32-bed nursing home to a sui generis HMO accommodating 38 bedsits. Secondly, the “tilted balance” applies as your Council cannot demonstrate a 5 year housing land supply with the appropriate 20% buffer, based on the February 2020 Housing Delivery Test results published by MHCLG.
- 3.11 A more recent High Court judgment involving Gladman Developments Ltd v the Secretary of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council (2020) EWHC 518 (Admin) delivered on 6th March of this year is also pertinent when considering the proposed development on the application site. The challenges made by the Claimant in this respect related to the interpretation of paragraph 11d)(ii), and whether as “Gladman Developments Ltd” submitted, this policy required the “tilted balance” to be struck without taking into account policies of the development plan, leaving those matters to be weighed separately under Section 38(6) of the Planning & Compulsory Purchase Act 2004.
- 3.12 During the course of submissions made on behalf of the Claimant by Mr. Kimblin QC, reference was made to the Supreme Court judgment involving Hopkins Homes Ltd v Secretary of State for Housing Communities and Local Government (2017) 1 WLR 1865. It was said in paragraph 52 of the judgment:-

“52. Mr Kimblin QC also referred to Hopkins at [14] and [85], where Lords Carnwath and Gill said that the reference in the second indent in paragraph 14 of the 2012 NPPF to “specific policies in this Framework” restricting development should be read as including related development plan policies. Footnote 6 to the equivalent provision in the 2019 NPPF states that the policies referred to in paragraph 11(d)(i) “are those in this Framework (rather than those in development plans) ...”. Leading counsel submitted that the words in parentheses, which apply both to paragraph 11(b)(i) and paragraph 11(d)(i), were inserted in order to reverse the observations of Lords Carnwath and Gill on the 2012 NPPF as regards

both plan-making and decision-taking. Mr Honey on behalf of the Secretary of State agreed with that submission to that extent..."

- 3.13 The conclusions to be drawn from paragraph 52 of the recent High Court judgment involving "*Gladman Developments Ltd*" where it relates to paragraph 11(d)(i) of the Framework were endorsed in paragraph 89 of the same judgment, before consideration was given in paragraphs 90 to 92 inclusive to the interpretation of paragraph 11(d)(ii) of the Framework:-

"89. I also accept Mr Honey's submission that the language of footnote 6 to the NPPF 2019 does differ materially from footnote 9 to NPPF 2012, in that development plan policies are not to be taken into account under paragraph 11(d)(i). But that alteration has been confined to paragraphs 11(b)(i) and 11(d)(i). It does not apply to paragraph 11(d)(ii).

90. Adopting the straightforward approach to interpretation laid down by the case law, paragraph 11(d)(ii) of the NPPF 2019 does not require any relevant development plan policies to be excluded from the tilted balance. The position remains the same as under paragraph 14 of NPPF 2012.

91. Paragraph 14 of the NPPF 2019 lends further support to this conclusion:-

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:-

[criteria (a) to (d) are then set out]

I agree with Mr Honey's submission that paragraph 14 assumes that development plans, which include neighbourhood plans, are relevant considerations in the tilted balance under paragraph 11(d)(ii). I disagree with Mr Kimblin's submission that little weight should be attached to paragraph 14 because it represents an addition to national policy rather than something which formed an intrinsic part of the tilted balance policy when it was first introduced. The simple fact remains that in 2019 the Secretary of State took the opportunity to review the NPPF including the policy presumption in favour of sustainable development. When NPPF 2019 was published in 2019, paragraph 14 formed an integral part of that policy.

92. For these reasons alone, the Claimant's case under issue (1) must fail. LPAs and Planning Inspectors may continue to weigh development plan policies in the tilted balance in paragraph 11(d)(ii). "

- 3.14 In short, in interpreting paragraph 11(d)(i), consideration is only required to be given to the Framework and not to development plan policy; but in examining

paragraph 11(d)(ii) the policies in the development plan should not be excluded in adjudicating upon the “*tilted balance*”.

- 3.15 The same judgment went on to consider three different scenarios, one of which is relevant to the circumstances surrounding a determination of the current application. This scenario involved a shortfall in the requirement for a five year supply of housing, triggering the application of paragraph 11(d)(ii) by deeming those policies important for the determination of the application to be out-of-date. Mr Justice Holgate in considering this scenario had the following comments to make in paragraph 108 of the judgment, which are particularly relevant to the circumstances relating to the proposed development on land at Aldwick House, 41-45 Nyewood Lane, when considering the development plan as a whole and the absence of a five year housing land supply.

“108. It is permissible for the decision-taker to assemble all the relevant material and to apply the two balances together or separately. For example, if a proposal accords with the development plan as a whole, but there is a shortfall in the 5 year supply of housing land, so that paragraph 11(d)(ii) applies, both of the balancing exercises are likely to point in favour of the grant of permission and plainly there would be no difficulty in applying them either in either [sic] one overall assessment or in two stages ..”

II. Current Central Government Policy

B. Addressing the Housing Crisis

- 3.16 In July 2015 HM Treasury published a document entitled “*Fixing the Foundations: Creating a More Prosperous Nation*”, Chapter 9 being concerned with the issue “*Planning Freedoms and More Houses to Buy*”. Paragraphs 9.2 to 9.4 inclusive are concerned with ensuring that more homes are available enabling people to live close to where they work, a factor of particular relevance given the type of accommodation to be provided on the application site, and the lack of a five year housing land supply in Arun District Council’s administrative area:-

“9.2 An effective land and housing market promotes productivity by enabling the economy to adapt to change, helping firms to locate where they can be most efficient and create jobs, and enabling people to live and own homes close to where they work.

9.3 Housing starts fell by nearly two-thirds between 2007 and 2009⁵, and the number of first time buyers fell by more than 50% between 2006 and 2008⁶. The Government implemented significant reforms over the last Parliament to turn this situation around, including reforms to the planning system, and support for homeownership, particularly first time buyers.

9.4 An excessively strict planning system can prevent land and other resources from being used efficiently, impeding productivity by:

- increasing the cost and uncertainty of investment. Previous estimates have put transaction costs for major housing developments at £3 billion per annum⁷*
- hindering competition by raising barriers to entry, adaptation and expansion*
- constraining the agglomeration of firms and the mobility of labour, with previous estimates suggesting that planning constraints on commercial space are the equivalent of a 250% regulatory tax on office space⁸*
- encouraging firms, households and financial institutions to speculate on land, diverting resources away from productive activities.” (my emphasis)*

3.17 More recently, the Department for Communities and Local Government’s document entitled “*Fixing Our Broken Housing Market*” published in February 2017 sets out a list of proposals, one of the steps being to diversify the market by supporting small and medium sized sites and thriving rural communities. The contents of paragraphs 1.29 and 1.30 are relevant in seeking to meet this aim, viz:-

“1.29. Policies in plans should allow a good mix of sites to come forward for development, so that there is choice for consumers, places can grow in ways that are sustainable, and there are opportunities for a diverse construction sector. Small sites create particular opportunities for custom builders and smaller developers. They can also help to meet rural housing needs in ways that are sensitive to their setting while allowing villages to thrive. (My emphasis)

1.30. Reflecting proposals set out in the Government’s previous consultation on changes to the National Planning Policy Framework, we will:

⁵ Permanent Dwellings Started, Department of Communities and Local Government May 2015

⁶ Halifax First Time Buyer Review, Lloyds Banking Group, January 2015

⁷ Housing Supply and Planning Control, Michael Ball for NHPAU, January 2010

⁸ Office Supply Restrictions in Britain, Paul Cheshire and Christian Hilber, 2008

- *Amend national policy to **expect local planning authorities to have policies that support the development of small 'windfall' sites** (those not allocated in plans, but which come forward on an ad hoc basis); and*
- *Indicate that **great weight should be given to using small undeveloped sites within settlements for homes, where they are suitable for residential development.** (Emphasis as per document)*

3.18 The same document found the housing market needed to operate differently if affordability issues were to be addressed and a step change in housebuilding was to take place.⁹ It found that there is increasing dependency on major housebuilders to build most housing, with smaller firms who bore the brunt of the recession witnessing output levels falling far short of those in the period pre-recession.¹⁰ In this regard, the number of registrations received by the NHBC by small builders fell from 44,000 in 2007 to 18,000 in 2015, with small and medium sized housebuilders regularly citing land, planning and finance as the major barriers to expansion.¹¹

3.19 Paragraph A.42, concerned with “*Bringing Brownfield Land Back Into Use*”, and paragraphs A.52 and A.53 found under the title “*Supporting Small And Medium Sized Sites And Thriving Communities*” formed part of an Annex to the same document”. These paragraphs are of significance when seen in the context of the location and size of the current application site at Aldwick House, 41-45 Nyewood Lane, Bognor Regis, West Sussex PO21 2SJ.

*“A.42 Going further, the presumption should be that brownfield land within settlements is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To facilitate this, we will **amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes, following the broad support for this proposal in our consultation in December 2015. In addition, our proposals for increasing the density of development set out in this White Paper will ensure that maximum use is made of brownfield sites that are suitable for homes.**” (Emphasis as per document)*

⁹ Paragraph 3.1 on page 46 under the title “*The Case for Change*” of the Housing White Paper February 2017

¹⁰ Paragraph 3.2 on page 46 *ibid*

¹¹ Paragraphs 3.5 & 3.6 on page 47 *ibid*

“A.52 Reflecting proposals set out in the Government’s previous consultation on changes to the National Planning Policy Framework, we will

- Amend national policy to expect local planning authorities to have policies that support the development of small ‘windfall’ sites (those not allocated in plans, but which come forward on an ad hoc basis); and*
- Indicate that great weight should be given to using small undeveloped sites within settlements for homes, where they are suitable for residential development.” (Emphasis as per document)*

“A.53 These changes apply to all types of area. Together with the additional weight that national policy will be placing on the benefits of developing brownfield land, they will ensure there is a clear presumption that residential development opportunities on small sites should be treated positively, while ensuring authorities can continue to protect valued areas of open space, the character of residential neighbourhoods and stop unwanted garden grabbing.” (My emphasis)

C. Making Effective Use of Land

- 3.20 A second theme taken from current national policy relevant to the proposed HMO development on land at Aldwick House, 41-45 Nyewood Lane is the requirement to ensure that effective use is made of land to meet the need for new homes, particularly for those who otherwise cannot access the housing ladder, whilst safeguarding and improving the environment and providing for safe and healthy living. The aims of national policy set out at paragraphs 117 and 118 c) and d) of the NPPF 2019 are relevant when considering the current proposals.

“117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”¹²

118. Planning policies and decisions should ...:-

- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to*

¹² Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

remediate despoiled, degraded, derelict, contaminated or unstable land;

- d) *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, and building on or above service yards, car parks, lock-ups and railway infrastructure)¹³; (my emphasis)*

3.21 Under the title “Achieving Appropriate Densities”, the contents of paragraphs 122a) and d) and 123 of the NPPF 2019 are relevant, particularly those highlighted in bold type, when considering the nature of the proposed use of the application site, and the requirement to optimise the use of land to meet an identified housing need:-

“122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) ***the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;***
- b) *local market conditions and viability’*
- c) *the availability and capacity of infrastructure and services; - both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) ***the desirability of maintaining an area’s prevailing character and setting (including residential gardens); or of promoting regeneration and change; and***
- e) *the importance of securing well-designed, attractive and healthy places.*

123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) ***plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should***

¹³ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and*
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering application for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).*

D. Design

3.22 The current proposals are based around the change of use of an existing building from a Class C2 32-bed nursing home to a sui generis 38-bed HMO, with only minimal alterations to the external appearance of the existing building, being grounded on an understanding and evaluation of the surrounding area's defined character, whilst optimising the potential of the site to create a safe, inclusive and accessible place.

3.23 It follows that the proposed development complies with a third relevant theme taken from current national policy set out at paragraph 127 of the NPPF 2019 concerning local design standards and styles, being consistent with the principles of good design.

"127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- 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);*

- d) *establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users¹⁴, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

E. Promoting Sustainable Transport

3.24 The contents of paragraph 103 of the NPPF 2019 seek to manage patterns of growth by maximising sustainable transport solutions so as to limit the need to travel, offering a genuine choice of transport modes; whilst paragraph 105 of the Framework requires local parking standards for residential development to have regard to five factors, all of which are relevant when considering the nature of the residential development sought, and the location of the application site close to the town centre of Bognor Regis. Paragraph 106 of the same document seeks to avoid maximum parking standards, which require clear and compelling justification.

"103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."

"105. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) *the accessibility of the development;*
- b) *the type, mix and use of development;*

¹⁴ Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

- c) *the availability of and opportunities for public transport;*
- d) *local car ownership levels; and*
- e) *the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.” (my emphasis)*

“106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.”

3.25 This particular theme of current central government policy is required to be examined alongside the submitted Transport Statement and in particular the conclusions set out at paragraphs 5.2 to 5.5 inclusive, together with the submitted Travel Plan; both having been prepared by PFA Consulting Ltd forming part of the application particulars.

“5.2 Aldwick House is well located in relation to existing local facilities, Bognor Regis town centre, and a range of public transport services, providing good opportunities for residents to travel by sustainable modes.

5.3 The proposed 38 bedsits are predicted to generate 24 person trips including 13 vehicle trips during the AM peak hour, and 29 person trips including 18 vehicle trips in the PM peak hour. This level of traffic generation is not expected to have a material impact in the local area.

5.4 A survey has been undertaken of the availability of on street parking in the vicinity of Aldwick House, and demonstrates that sufficient on street parking spaces are available to accommodate the potential demand from residents of the proposed development.

5.5 The proposed development accords with national and local policy, in that it will provide a sustainable development. It will have good access to local facilities without the need for car travel, thus encouraging travel by sustainable modes. There is therefore no reason in transport terms why the proposed development should not be permitted.” (my emphasis)

- 3.26 An examination of this chapter demonstrates that the proposed development on land at Aldwick House, 41-45 Nyewood Lane is in accordance with the four most relevant policy themes taken from current central government policy.

III. Current Development Plan Policy

- 3.27 The “*development plan*” for the purposes of the application site and Section 38(6) of the Planning and Compulsory Purchase Act 2004, comprises the policies contained in the “*made*” Bognor Regis Neighbourhood Development Plan 2015-2030 of August 2015, along with the Arun Local Plan 2011-2031 which became a statutorily adopted document in July 2018.
- 3.28 Section 109 of the Localism Act 2011 provides for the revocation in whole or in part of a regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009. The same section of the Localism Act 2011 provides for the necessary consequential amendments to primary legislation being set out in Schedule 8 and Parts 15 and 16 of Schedule 25.
- 3.29 The Regional Strategy for the South East (Partial Revocation) Order 2013 came into force on 25th March of the same year, revoking the Regional Strategy for the South East in its entirety, except for Policy NRM6 which relates to new residential development near the Thames Basin Heaths Special Protection Area, an area designated under European Directives 79/409/EEC and 92/43/EEC; along with Policy H2 of the Oxfordshire Structure Plan 2016 which relates to the former Airbase at Upper Heyford.

F. The Bognor Regis Neighbourhood Development Plan 2015-2030

- 3.30 An examination of the “*made*” Bognor Regis Neighbourhood Development Plan 2015-2030 reveals that it was prepared in accordance with the original version of the NPPF published on 27th March 2012, taking as its cue the policies contained in the previously adopted Arun Local Plan 2003, which have now been cancelled.
- 3.31 An examination of the “*made*” Bognor Regis Neighbourhood Development Plan 2015-2030 reveals that there are no policies devoted to either HMO provision or changes of use of buildings to HMOs, whilst Aldwick House, 41-45 Nyewood Lane is not situated in any key priority area set out in the same document.

- 3.32 To these considerations should be added that paragraph 38(5) of the Planning & Compulsory Purchase Act 2004 reveals that should there be a conflict between policies contained in a development plan, the conflict must be resolved in favour of the policy which is contained in the last document to form part of the development plan. This means that in the context of the current application, it is the policies contained in the adopted Arun Local Plan 2011-2031 which prevail.

G. The Adopted Arun Local Plan 2011-2031

1. Sustainable Development

- 3.33 Policies SD SP1 and SD SP2 are overarching policies for assessing development proposals in your District's administrative area.

Policy SD SP1

"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

This presumption will not be applicable where development requires an Appropriate Assessment or where consideration of the need for one is being undertaken.

Policy SD SP2

"Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan."

- 3.34 In the context of the current proposals it can be seen that the change of use now sought from a Class C2 32-bed nursing home to a sui generis 38-bed HMO is to take place in an acceptable sustainable location, being found within the built up area boundaries of Bognor Regis. Public open space provision close to the sea front, between Marine Drive West and King's Road, is situated less than 125m away, with the "West Park Amenity Area" less than 250m from the application site. Shops, services and community facilities are situated on both sides of Aldwick Road, all of which are located within 75m walking distance of the application site. Hence there is compliance with both overarching policies.

2. Housing Policy

- 3.35 A housing requirement figure of at least 20,000 new homes is expected to be constructed during the period of the adopted Arun Local Plan extending from 2011 to 2031, adopting a stepped trajectory of 1,120 dpa between 2016/17 and 2020/21, and 1,310 dpa between 2021/22 and 2025/26 in accordance with Policy H SP1. The following chapter of this planning statement will consider the Council's latest Annual Monitoring Report of December 2019 which reveals an acute housing land supply shortfall of only 3.7 years. The latest Housing Delivery Test results published by MHCLG show that only 68% of the housing requirement figure over the past 3 years commencing in 2016/17 has been met, meaning that a 20% buffer has to be added to the Council's housing requirement figure.
- 3.36 The significance placed on HMO provision becomes apparent from a reading of supporting paragraphs 12.5.1 to 12.5.5 and Policy H SP4, reproduced below, taken from the adopted Arun Local Plan 2011-2031. Policy H SP4 is considered to be a dominant policy as opposed to being tangentially relevant, being most important in a determination of the current application

"12.5.1 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.

12.5.2 A large concentration of housing in multiple occupation (HMOs) can have a significant and potentially damaging impact on the amenity of a local area, especially if too many properties are let to short term tenants. This can be of particular concern in areas such as Arun where the numbers of seasonal workers is high.

12.5.3 The contribution of HMOs to the economy is recognised, particularly as a source of housing for people on low incomes, those on benefit payments, students and those starting off in the economy as young professionals.

12.5.4 Many properties are capable of accommodating a modest increase in occupancy, as a way of meeting the increasing demand for HMOs and other conversions. However the number of tenants is unlikely to remain fixed over time and increased occupancy may well give rise to noise and disturbance and a greater demand for off-street parking.

12.5.5 Larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation. Where large amounts of refuse are not adequately stored

prior to collection, it can become both unsightly and a health hazard, particularly during summer months.

Policy H SP4

“Houses in multiple occupation

Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

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

3.37 The proposed change of use retains the character of the existing property and that of the surrounding area where the single prominent feature associated with built development comprises single and double fronted gabled elevations facing onto principal highways, with bay windows found at both ground and first floor levels, and where there is a variety of facing materials beneath either tiled or slate roofs. In the case of Aldwick House, added variety in terms of the elevational treatment of the building is provided through brick quoins around principal openings, coupled with tile hanging evident between ground and first floor bay windows as well as within the apex of individual gables.

3.38 The current proposals involve only minor operational development comprising the demolition of a single storey rear conservatory and store, and in its place the construction of a single storey flat roofed extension. It is proposed to brick up a limited number of existing opening on the side and rear elevations of the building, and insert four rooflights equi-spaced on the rear elevation.

3.39 Significantly, no loss of any residential unit arises, whether or not capable of family occupation, in the event that a favourable decision is reached in respect of the current application. The lawful use of the application site comprises a Class C2 32-bed nursing home, accommodating 30 single and one double room. In addition to the occupants, I am advised that the Class C2 nursing home employed

approximately 40 members of staff, 25 of whom were full-time, deployed on a 24 hour, 7 day a week rota basis. No restrictions were imposed on visiting times when family members and friends visited occupants of the nursing home, with the intensity of the use increasing through attendance on a regular basis of doctors, nurses, hairdressers, chiropodists and garden contractors.

- 3.40 These general levels of activity including staffing requirements, and all the comings and goings associated with the application site, are far greater than envisaged from the proposed change of use to a 38 bedsit HMO comprising 24 single and 14 double rooms, where the intention is for a weekly cleaner, a monthly window cleaner and a gardener to attend the site for regular maintenance purposes.
- 3.41 To this end, a comparison between the lawful use of the site and a proposed 38 bedsit HMO is an important material consideration, in that there is likely to be a reduction in terms of general activity conducted from the same building, compared with the lawful use of the application site, leaving the character of the area unharmed.
- 3.42 The contents of paragraph 5.12.2 refer to the need to avoid large concentrations of HMOs which can have a significant and potentially damaging impact on the amenity of a local area, especially if too many properties are let to short term tenants.
- 3.43 An examination of your Council's records under the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (As Amended) and the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 has been undertaken. Table 2 overleaf sets out details of those HMOs within the same geographical area as covered by the car parking survey prepared on behalf of PFA Consulting Ltd. The car parking survey assessed parking conditions in adjoining residential streets located within approximately 200m walking distance of the application site, relying on the Lambeth Council Car Parking Survey Methodology.

TABLE 2
Schedule of Registered Houses in Multiple Occupation within 200m of Aldwick House, 41-45 Nyewood Lane, Rognor Regis, West Sussex PO21 2SJ

Licence No.	Licencee	Property Address	Max. No. of Persons	Start Date	Expiry Date
110773	Mr Trevor Pulleyblank	Trevall Lodge, 31 Aldwick Road	6	01.10.2018	30.09.2023
9972	Lotus Styling Ltd	45A Aldwick Road	6	19.11.2018	18.11.2020
15329	Mr Colin Barry Flood	1st Floor Flat, 39 Aldwick Road	No data available	24.09.2017	23.09.2022
13724	Mr K Chudasama	Flat 79 Aldwick Road	5	11.04.2015	10.04.2020
111115	Mr Hugh Evans	83A Aldwick Road	5	01.10.2018	30.09.2023
7546	Mr D Burchell	Branscombe, 5 Ellasdale Road	8	28.02.2017	28.02.2022
111812	Ms Emily Maple	26 Nyewood Lane	8	04.01.2019	03.01.2024
8217	K Butcher	72 Nyewood Lane	6	02.03.2018	01.03.2023
7486	Mrs A Faucherand	32 Richmond Avenue	6	21.01.2017	20.01.2022
7545	St Richard of Chichester	34 Richmond Avenue	8	01.03.2017	28.02.2022

Source: Register of Houses in Multiple Occupation Arun DC's Environmental Health Department Records

- 3.44 The list of HMOs in Table 2 includes two properties situated in Richmond Avenue and two fronting onto Nyewood Lane, accommodating a maximum of 28 persons. The same table reveals a total of 10 properties comprising registered HMOs found within 200m of the application site, of which 7 accommodate 6 persons or less, for which a change of use from Class C3 to Class C4 purposes can be carried out under permitted development rights. No account has been taken in Table 2 of the fact that there have been a number of applications granted planning permission by your Authority over the past 3 years for changes of use from HMOs to self-contained flats, e.g. Application No. ER/160/19/PL on land at Flat 1a, 1 Queens Square, Bognor Regis PO21 1SA.
- 3.45 The number of HMOs found in the surrounding area reveals that there are considerably more buildings which are not identified as HMOs, further supporting the opinion that the character of the area, including any likelihood that there would be an erosion in the balance between different types of housing, including family housing, has no substance. It follows that the character of this part of Bognor Regis will not be adversely affected as a consequence of the grant of planning permission for the proposed 38-bedsit HMO.
- 3.46 In assessing the results arising from Table 2 concerning the provision of HMOs in the immediate vicinity of the application site, reference should be made to the fact that your Council has not considered it necessary to impose any Article 4 Direction removing permitted development rights relating to changes of use of a dwellinghouse within Class C3 to an HMO for up to 6 unrelated people within Class C4 of the Town & Country Planning (Use Classes) Order 1987 (As Amended).
- 3.47 A key consideration in justifying any Article 4 Direction would be a correlation between small flats, HMOs and cheap rented accommodation in poor condition, with the same area resulting in the importation of vulnerable people. Alternatively, Article 4 Directions have been sought as a result of Strategic Housing Market Assessments recommending that policies be introduced to support intervention, so as to maximise the potential of the existing housing stock, and incentivise the provision of family homes and/or control the expansion of conversions of large buildings into HMO accommodation.

3.48 The contents of Table 2 of this planning statement are also required to be considered in the light of Inspectors' appeal decisions in your Council's administrative area concerning changes of use from single dwellings to HMOs.

3.49 I have inserted at Appendix 1 an appeal decision (PINS Ref. No. APP/C3810/W/17/3168437) dated 12 May 2017 allowing a change of use from a single dwelling to a house of multi-occupancy for up to 7 occupants on land at 55 Longford Road, Bognor Regis PO21 1AD. Paragraph 8 of the Inspector's decision letter set out the level of HMO provision within the same street as the appeal site.

"8. The Council applies ELP Policy H SP4 to bedsits, shared student houses and licensed HMOs. There are 8 buildings that are considered to be HMOs including 2 with bedsits and 4 shared student houses in the nearby area in Longford and Havelock roads, as well as others that are shown on the Council's plan. However, there are considerably more buildings in the same area that are not identified as HMOs. Having regard to the Council's representations, and present permitted development rights for single dwelling houses, the proposal would not add to an existing over-concentration of HMOs in the area."

3.50 The Inspector's conclusion reached in paragraph 8 of the appeal decision relating to land at 55 Longford Road, Bognor Regis PO21 1AD on whether 8 dwellings in the nearby area constituted an *"existing over-concentration of HMOs in the area"*, is required to be compared with Table 2 of this planning statement which identifies 4 properties registered for HMO use along Nyewood Lane and Richmond Avenue where the current application site is situated. It is contended that the conclusion reached by the Inspector in the 55 Longford Road appeal decision is equally applicable to the circumstances surrounding the number of registered HMOs present in the immediate vicinity of Aldwick House, 41-45 Nyewood Lane.

3.51 In a more recent appeal decision (PINS Ref. No. APP/C3810/W/18/3192887) (Appendix 2) allowed on 6th June 2018, concerning a change of use of an existing property to a 7 bedroom sui generis use on land at 19 Bayford Road, Littlehampton, BN17 5HN, the Inspector took into account the numbers of HMOs in the same street, which were considerably greater when compared with the number of HMO's evident within the immediate vicinity of Aldwick House, 41-45 Nyewood Avenue.

- 3.52 A comparison of paragraphs 7 to 10 inclusive of the Inspector's appeal decision concerning the issue of whether an imbalance in housing provision would arise in Bayford Road, is required to be assessed alongside the number of registered HMOs found in close proximity to the application site set out at Table 2 to this planning statement. This is because the conclusion reached in paragraph 10 of the Inspector's appeal decision is equally germane when considering the proposed development on land at Aldwick House, 41-45 Nyewood Lane.

"7. The Council has identified within Bayford Street seven licenced HMOs and ten other HMOs where the occupiers share facilities. Two properties are also referred to where the licence is being renewed, and which do not as a result show on the public register, but it is not clear from the evidence whether they are included in the figure of seven licenced HMOs or would be additional to this. As a result, depending on the correct interpretation of the evidence, there would be between 17 and 19 HMOs in Bayford Street, with the caveat that the picture may not be complete.

8. Policy HSP4 of the emerging Arun Local Plan 2011-2031, Publication Version 2014 (the eLP) seeks development of houses in multiple occupation which do not contribute to the over-concentration of HMOs in a particular area. No criteria are given to assist in making this assessment.

9. Bayford Street is a long street, and the total of identified HMO properties would represent a small proportion of the large number of residential properties in it. The appellant has pointed out that the property would be capable of being converted to a small house in multiple occupation (HMO) through the exercise of permitted development rights, and this appears to me to be a fall-back position with a realistic chance of occurring. I conclude as a result that the effect of this development would be the provision of a single additional room over the number which could be achieved through the exercise of permitted development rights, which would therefore be marginal in effect.

10. For these reasons, the development would be unlikely to lead to an over-concentration of HMOs, or to lead to an imbalance in housing provision in the area. It would not, therefore, conflict with policy HSP4 of the eLP."

- 3.53 The contents of paragraph b. of Policy H SP4 are required to be assessed in the context of the car parking survey of streets within approximately 200m of the application site undertaken on behalf of PFA Consulting Ltd and contained in their Transport Statement. The results of the car parking survey set out at paragraph 3.7 of the accompanying Transport Statement reveal that there was a total of 24 on-street car parking spaces available overnight during a weekday. The total parking survey revealed that within a radius of approximately 200m of Aldwick House, 41-

45 Nyewood Lane, 116 spaces were available, equivalent to 30.3% of parking spaces.

- 3.54 The conclusion derived from the car parking survey demonstrates that the current proposals would not generate excessive parking demand or traffic in the area, despite off-street parking provision on the application site being limited to two spaces; which is no different from that associated with the lawful use of Aldwick House, 41-45 Nyewood Lane as a Class C2 nursing home.
- 3.55 Any consideration of open space provision on the application site in accordance with paragraph c. of Policy H SP4 is required to take into account the plot size and footprint of built development on land at Aldwick House, 41-45 Nyewood Lane, along with its lawful use as a Class C2 32-bed nursing home, involving at least an equivalent or likely greater amount of general activity. The amount of open space on the application site remains unaffected by the proposals.
- 3.56 The manner in which your Council examined paragraph c. of Policy H SP4 in a recent change of use application from a partial residential guest house to a full HMO on land at 36 Pier Road, Littlehampton BN17 5LW (Arun DC Reference No. LU/235/18/PL refers) is of particular relevance when considering the same paragraph of Policy H SP4 in the context of the current proposals on land at Aldwick House, 41-45 Nyewood Lane. In the Case Officer's delegated report relating to the "Littlehampton" site it was said:-

"Part 'c' of Arun Local Plan policy H SP4 requires that proposals provide adequate areas of open space. However whilst there are no plan policies covering external amenity space or gardens, the proposal benefits from a rear garden which will be shared amongst the residents such that they will be able to sit outside. Furthermore, the site sits within only a short walk of Beach Green, Harbour Park and the seafront. It is considered therefore that residents will be able to easily access outdoor amenity space." (my emphasis)

- 3.57 This is because of the importance to be attached to consistency in decision-making as a matter of public policy¹⁵, with the current proposals also lying in close proximity to public open space and the seafront.
- 3.58 The preceding paragraphs have shown that the proposed change of use of land at Aldwick House, 41-45 Nyewood Lane contributes to the creation of a sustainable, inclusive and mixed community, without adversely harming the three criteria against which the policy is required to be judged. It follows that for the reasons outlined in the previous paragraphs of this planning statement, the proposed development complies with Policy H SP4.

3. Design Policy

- 3.59 Policy D DM1 is concerned with aspects of form and design quality, having been reproduced below:-

Policy DM1

"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.

2. Appearance/attractiveness

Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area.

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.

4. Innovation

Raise standards of design by embracing appropriate innovative design, new technologies and construction techniques, where a development proposal has the potential to do so.

¹⁵ North Wiltshire District Council v Secretary of State for the Environment (1992) 65 P & CR 137; R (Baber) v Secretary of State for the Environment (1996) JPL 1034; II Gallagher Ltd v Secretary of State for Local Government Transport and the Regions (2002) EWHC 1812 (Admin); Dunster Properties Ltd v First Secretary of State (2007) EWCA Civ 236; R (Fox Strategic Land & Property Ltd) v Secretary of State for Communities and Local Government (2012) EWCA Civ 1198; Pertemps Investments Ltd v Secretary of State for Communities and Local Government (2015) EWHC 2308 (Admin); DLA Delivery Ltd v Baroness Cumberlege of Newick and Secretary of State for Communities & Local Government (2018) EWCA Civ 1305

5. Adaptability

Acknowledge diversity and difference. Buildings and places should be flexible to future adaptation, including the changing needs of occupants (for example ageing users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.

6. Crime prevention

Provide security measures that make places feel safer. This shall be achieved through natural surveillance and human presence by locating buildings and play areas along public routes and spaces, and making a clear division between private and public land to foster a mutual protection through territorial belonging. With respect to crime prevention, regard shall be had in particular to the document 'Secured by Design' and the 'Safer Places - The Planning System and Crime Prevention'.

7. Trees and woodland

All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.

8. Solar gain

Within the constraints of the site and local context development proposals should, maximise sunlight and passive solar energy. Ideally development should be positioned (within a 15-20 degree margin) broadly south, with streets having an east-west pattern.

9. Public realm

Provide or enhance layouts, streets and public spaces so that they are attractive, socially inclusive, safe and secure, adaptable, with appropriate provision for planting, street furniture, and facilities for bicycle storage to create a place with attractive and successful outdoor areas.

10. Layout - movement

Utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept.

11. Layout - legibility

Deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building detail, signage).

12. Public art

Public Art should be incorporated into schemes where there is capacity to do so. Public art can encompass a wide variety of elements to include art as part of the design of buildings and developments, landscape and planting, street furniture, signage and lighting in the public realm which is accessible to all. This can also result in physical, permanent artworks and sculptures.

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.

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.

15. Aspects of form and design quality

Development should also comply with the Arun District Council Design Guide."

- 3.60 The proposed development seeks to make the best use of previously developed land, at an equivalent density to its existing lawful use. Advantage has been taken of its accessible location to public open space, as well as to shops and services found on both sides of Aldwick Road, within easy walking distance of the application site where the pavements are predominantly flat and have street lighting. The intended change of use does not materially affect the character of the site, the external appearance of the building or issues of local distinctiveness where they relate to the built fabric of this part of Bognor Regis.
- 3.61 The only interventions comprise the demolition of an existing conservatory and store, and in their place the construction of a new single storey rear extension, the majority of which will be screened by a 1.8m high close boarded fence when viewed from Richmond Avenue. Where minor alterations to the side and rear elevations are proposed through the bricking up of openings, the external facing materials will match those of the existing building. It is also proposed to build a new 20 space Amazon Eco 2-tier cycle shelter in the rear garden capable of accommodating 40 bicycles, which will not be visible from any public viewpoint and is located in an area where there is an existing small summer house structure. In this way, the scale, massing, aspect, siting, layout, density and external facing materials including landscaping will remain unchanged from that which is currently in existence.
- 3.62 A grassed and paved area lies to the rear of the building, beyond which is a 1.7m high brick wall supplemented by tall evergreen planting separating the application

site from a large open car parking area lying to the rear of the adjoining property Bickleys Court. Individual leylandii tree planting is to be retained on the boundaries to the site. No significant loss of sunlight, privacy and outlook will occur, and neither will the proposal when viewed in the context of its lawful use, result in unacceptable noise and disturbance to adjoining properties. To this end, the proposed development complies with Policy D DM1 of the adopted Arun Local Plan 2011-2031.

- 3.63 Policy D DM2 is found under the title *“Internal Space Standards”* and for ease of reference is set out below:-

Policy D DM2

“The planning authority will require internal spaces to be an appropriate size (having regard to the exceptions that may apply as referred to in paragraph 13.3.4) to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.”

- 3.64 The proposed development involves a change of use from a Class C2 32-bed nursing home to a sui generis 38-bedsit HMO. Your Authority in considering recent changes of use of buildings to HMOs, irrespective of whether the individual proposals comprises a Class C4 or sui generis use, have confirmed in the respective Case Officers’ reports that in considering Policy D DM2, the Technical Housing Standards (Nationally Described Space Standard) do not provide any relevant standards of Houses in Multiple Occupation¹⁶. Instead, regard is required to be paid to your Authority’s Environmental Health Standards for Houses in Multiple Occupation originally produced by the CIEH Sussex Housing Group in October 2015, updated in March 2019. This can be verified from paragraph 2 of the *“Technical Housing Standards – Nationally Described Space Standard”* produced by MHLC in March 2015 in which it is said *“The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use.”*

- 3.65 Aside from this fact, the amplification to Policy D DM2 in paragraph 13.3.4 offers a flexible approach to internal space standards where they relate to the conversion of

¹⁶ The Case Officer’s reports concerning Application Nos. LU/235/18/PL and BR/107/19/PL refer.

an existing building, a matter clearly pertinent to the circumstances surrounding the current application on land at Aldwick House, 41-45 Nyewood Lane.

"13.3.4 There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building, or where compliance with the standards may harm the historic character of a building). Arun District Council will consider these on a case-by-case basis."

- 3.66 In December 2018, MHCLG published a document entitled *"Houses in Multiple Occupation and Residential Property Licensing Reform – Guidance for Local Housing Authorities"*. Regulation 4(c) of the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 describes the categories of HMOs that are subject to mandatory licensing which includes HMOs that meet the converted building test under Section 254(4) of the Housing Act 2004. Section 67(1) of the 2004 Housing Act provides that a local housing authority may impose conditions relating to the management, use and occupation of a licensed HMO, and it is mandatory under sub-section 3 of Section 67 for the local housing authority to include certain conditions in HMO licences, where they relate to the provision of smoke and carbon monoxide alarms; gas safety, and the safety of electrical appliances and furniture. These provisions have been carried forward into your own Council's Standards for Houses in Multiple Occupation document.
- 3.67 The December 2018 MHCLG document relating to Houses in Multiple Occupation sets out at paragraph 3.4 the minimum sleeping room floor area sizes which subject to the measurement restrictions set out in the same document, are 6.51 sq.m for 1 person over 10 years of age, and 10.22 sq.m for 2 persons over 10 years of age, prohibiting the use of any room of less than 4.64 sq.m as sleeping accommodation.
- 3.68 Your Authority has adopted room sizes for units that contain their own kitchen, but where bathroom facilities are usually shared, in its Standards for Houses in Multiple Occupation document, updated in March 2019. In respect of a single bedsit or studio with kitchen facilities within the room, the minimum size of a one roomed bedsit or studio should be 13 sq.m. Similarly, in a double bedsit or studio with kitchen facilities within the room, suitable for married couples, or co-habitees/civil partnerships, the minimum room size of a one roomed bedsit or studio is required to be 15 sq.m. A note is included in the document which states:-

“Please note the minimum floor to ceiling height of 2.14m, except where part of the ceiling slopes, and then it should be a minimum of 2.14m over an area of the floor to not less than 50% of the area of the room, measured on a plane of 1.5m above the floor.”

- 3.69 It can be seen from the submitted drawings that the minimum room sizes specified in your Council’s Standards for Houses in Multiple Occupation are achieved for each one roomed bedsit unit proposed on the application site.
- 3.70 In terms of waste disposal, the requirements of your Council’s Standards for Houses in Multiple Occupation will be met, and to the extent that all licences for HMOs issued after 1st October 2018 need to include a condition requiring compliance with the Council’s storage and waste disposal scheme, if one exists, then this is a matter which is most appropriately dealt with under the licensing regime for HMOs.
- 3.71 Policy D DM4 is concerned with extensions and alterations to existing buildings in both residential and non-residential use and which when visible from public viewpoints, are required to respect the established spatial character and pattern of the street, and make a positive contribution to the locality.

Policy D DM4

“When considering applications for extensions and alterations to existing buildings, the Council will require that:

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;*
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;*
- c. the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;*
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;*

- e. *the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition.*

Developments shall also be consistent with all other Local Plan Policies."

- 3.72 The replacement of a single storey conservatory and store at the rear of the building, with a new single storey rear extension covering an almost identical footprint, together with a limited number of openings on the side and rear elevations which are to be bricked up, and the insertion of four velux rooflights at the rear of the building; all relate sympathetically to the existing structure and are visually integrated with the existing property in terms of their siting, massing, design, form, scale and materials. The new single storey rear extension will be visually subservient to the main building whilst no adverse overshadowing, overlooking or overbearing effect will result to neighbouring properties. In this way, the established spatial character and pattern of development in the vicinity will remain unaffected. It follows that the current proposals accord with Policy D DM4 of the adopted Arun Local Plan 2011-2031.

4. Noise Pollution Policy

- 3.73 Policy QE DM1 is concerned with noise pollution. It states:-

Policy QE DM1

"Noise pollution

1. New noise sensitive development

Residential development likely to experience noise from road, rail or air, in particular development in close proximity to:

- *A284/A259 Wick roundabout*
- *Stretches of the A27 around Arundel and Fontwell*
- *Sections of the A29 and A259 in Bognor Regis*
- *A284 in Littlehampton and*
- *The stretch of railway line that runs through Barnham station*

must:

- a. *Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.*

- b. *Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.*

To safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where:

- c. *High levels of noise will continue throughout the night, especially during the hours when people are normally sleeping.*
- d. *There is a likelihood of complaints about noise from industrial development.*

2. New noise generating development

Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by:

- a. *Evidence to demonstrate that there are no suitable alternative locations for the development. 81 this may be assessed, where appropriate, using guidance in BS4142: 2014 Adoption Arun Local Plan 2011-2031 (July 2018) Arun District Council 243 21 Quality of the environment*
- b. *A noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex, and any mitigation measures required to ensure noise is managed to an acceptable level.*
- c. *Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity, including Gaps Between Settlements which are important to the enjoyment of Arun's countryside, its habitats and biodiversity."*

3.74 It is not considered that a change of use of the existing building from a Class C2 32-bed nursing home to a sui generis 38-bed sit HMO would lead to an intensification of new noise generating development in the surrounding area. The proposed internal layout largely follows that of the previous lawful use, with no high levels of noise experienced throughout the night. The external alterations to the dwelling are such that they will not result in an adverse impact in terms of privacy, overlooking or overbearing relationship with adjoining properties.

3.75 The application site is found close to a busy crossroads where Nyewood Lane meets Aldwick Road, close to shops and restaurants which are open in the evening, where there is already a reasonable level of activity. Gatwick Bedsits are not

proposing a new noise generating source of activity at premises which previously enjoyed a lawful Class C3 residential use. Accordingly, it is contended that no adverse noise pollution would arise from the proposed development, especially given the manner in which the applicants manage their portfolio of HMOs, a matter discussed in the following chapter with reference made to their published brochure found at Appendix 3 to this planning statement. In this way there would be no conflict with Policy QE DM1 of the adopted Arun Local Plan 2011-2031.

5. Transport Policy

- 3.76 The primary purpose of Policy T SP1 seen in the light of the proposed development on the application site is to reduce congestion, provide safe access onto the highway network, promote sustainable travel and prioritise cycle and pedestrian movement.

Policy T SP1

Transport and Development

To ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The Council will support transport and development which:

- a. Is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services whilst making provision for safe access to the highway network through improvements to the existing road network and the promotion of vehicles which use low-carbon energy;*
- b. Is incorporated into the District's green infrastructure network and gives priority to pedestrian and cycle movements;*
- c. Protects committed and indicative lines of major road schemes from development and, where applicable, contributes towards new road schemes which improve north-south links between Bognor Regis and Littlehampton and the A27, to ensure that they are delivered in line with strategic growth in the District;*
- d. Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking and;*

- e. *Is supported by an effective and deliverable Transport Assessment which demonstrates that the transport effects of development on the local and strategic road network can be satisfactorily mitigated and a Travel Plan, which is effective and deliverable, and;*
- f. *Explains how the development has been designed to:*
 - i. *accommodate the efficient delivery of goods and supplies;*
 - ii. *give priority to pedestrian and cycle movements and have access to high quality public transport facilities;*
 - iii. *create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter;*
 - iv. *incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and*
 - v. *consider the needs of people with disabilities by all modes of transport.*
- g. *Provides improved crossing points over the railway line to improve transport links between the coast and the A27, in particular at Ford."*

3.77 The provisions of Policy T SP1 are required to be seen in conjunction with paragraph 105 of the NPPF 2019 referred to in paragraph 3.24 of this planning statement. It can be seen from Table 2.4 taken from the Transport Statement prepared by PFA Consulting Ltd that the application site is well situated in terms of walking and cycling distance to existing local facilities, having regard to the guidance set out in the Department of Transport Manual for Streets March 2007 and the Institution of Highways and Transportation document "*Providing for Journeys on Foot*". This in turn reduces the need for reliance on the private car, to the extent that even if it were possible to provide additional car parking spaces on site, this would not accord with the underlying requirements of those national and local plan policies which prioritise walking and cycling modes. In the light of these considerations the proposed development can positively promote sustainable travel by the occupants of the 38 bedsits.

3.78 The planning history chapter reveals that Aldwick House, 41-45 Nyewood Lane enjoys a lawful use as a 32 bed Class C2 nursing home, comprising 31 separate rooms for its residents, having been the subject of extensive conversion works from what was previously a guest house and private residence 29 years ago. The nature

of the internal alterations to form a Class C2 nursing home means there is no realistic prospect of the same building returning to family accommodation.

- 3.79 The occupants of the proposed development are more likely to be predisposed to walking and cycling to available shops, services and public open space facilities found in the vicinity of the application site, than residents of the lawful nursing home. I am reliably informed by my clients that, on average, only 50% of the occupants of their bedsit accommodation have access to a private car. Even then, trip generation rates associated with the proposed use are likely to be reduced beyond that associated with a 32-bed Class C2 nursing home, for reasons already stated in this planning statement.
- 3.80 There are no policies in the Arun Local Plan 2011-2031 which are directly concerned with parking requirements, and to this end reliance must be placed on Arun District Council's recently adopted Parking Standards Supplementary Planning Document of January 2020. Although the adopted Parking Standards SPD is a material consideration in a determination of the current application, it does not constitute part of the "*development plan*".
- 3.81 There are no parking space standards, or cycle space standards relating to HMOs set out in your Council's recently adopted Parking Standards SPD, with expected levels of car and cycle parking provision all relating to dwellings. A note has been attached to Table 4.1 falling under the title "*Vehicle and Cycle Parking Provision in Non-Residential Developments*" taken from the same SPD stating that parking provision for Class C4 uses, along with a number of other non-residential uses, "*will be determined on a case by case basis on travel plan and needs*". The proposed development comprises a sui generis use and is not included within this note.
- 3.82 As provided in other HMO developments involving Gatwick Bedsits, my clients consider it appropriate given the locational circumstances of the application site, to construct 2 x 20 space Amazon Eco 2 Tier cycle shelters, in which a total of 40 bicycles can be accommodated thereby prioritising cycle provision for the occupants of the development.

- 3.83 In accordance with Policy QE DM3 taken from the adopted Arun Local Plan 2011-2031, your Council seeks to encourage the use of electric vehicle charging points in house and flat developments, and whilst there are no standards in this regard relating to HMOs, my clients are willing to accept a condition to provide one electric vehicle charging point on site which would be actively managed through CCTV surveillance, to assist those residents who may have access to a private car.
- 3.84 The recently published Parking Standards SPD refers to 7 principles which set out the District Council's approach to parking in new residential developments, and whilst not directed at HMO provision, they have been taken into account in considering parking and cycle provision along with charging points for electric vehicles in the preparation of the current application. I have set out below the 7 principles taken from the Parking Standards SPD January 2020 with the response under each principle being highlighted in red type.

Principle 1

2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimising adverse effects on road safety and avoiding increased on-street parking demand.

2.13 If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.

The applicants have carried out a comprehensive parking capacity assessment within neighbouring streets within 200m of the application site which has revealed a 30.3% availability in terms of parking provision, confirming that the absence of further on-site car parking provision would not generate excessive parking demands or traffic in the area. (para 3.53 refers)

Principle 2

2.14 Expected levels of vehicle ownership should be determined taking account of dwelling size (rooms); unit type (houses or flats); unit tenure (private/affordable), parking provision (allocated or unallocated), control/enforcement (charges etc).

2.15 Calculation of expected levels of vehicle ownership should normally be based on local or comparable data which may include Census Data and local Household Surveys of new development carried out by the Local Authority where these exist, taking account of forecast changes in demand for the Local Plan period. Where electric vehicle charging points are provided, these will be included in the 'total demand' as a percentage of the allocated spaces.

As indicated earlier in this section of the planning statement, on average only 50% of residents of Gatwick Bedsits have access to a vehicle. The overwhelming majority of residents are single males, all of whom are in work, but for varying

personal reasons are not able to access private housing. They range in age from 19 to 60, with the overwhelming majority falling within the age group 20-35, closely followed by those aged between 36 and 50. This is a matter considered in greater detail in Chapter 5 of this planning statement. (para 3.79 refers)

Principle 3

2.16 'Active' charging points for electric vehicles shall be provided at a minimum of 20% (at 2019 levels of provision) of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future. This applies to residential, retail (supermarkets), Office/industrial, and other Commercial land uses. Passive provision involves the inclusions of the necessary infrastructure underground in order to enable connection to a charging point at a later date.

My clients are willing to provide an electric charging point in one of the two available spaces together with charging infrastructure and cabling, irrespective of the absence of any specific standard relating to electric charging points for HMO accommodation. (paras 3.83 & 3.84 refer)

Principle 4

2.17 In some locations, limiting parking provision will form part of a strategy to exploit the potential for sustainable transport. In order to realistically promote lower levels of car ownership and use whilst avoiding unacceptable consequences, all of the following must be available or provided:

- Travel plan measures, targeted at reducing car use and thereby reduce ownership levels;*
- High levels of accessibility to non-car modes of travel and to local amenities and facilities; and*
- Comprehensive parking controls; i.e. Controlled Parking Zone.*

The proposed development is accompanied by a Travel Plan prepared by PFA Consulting Ltd, the intention of which is to reduce any car use and encourage walking and cycling provision. The application site is situated in a highly accessible location suitable for those relying on non-car modes to access shops, services and other local amenities. (para 3.34 & 3.77 refers)

Principle 5

2.18 In some circumstances it may be necessary to regulate on-street parking to manage or mitigate the impact of development. If Traffic Regulation Orders (TRO) are required then developers will be expected to fund administration and works costs. However, the starting point is that each development site provides sufficient parking to meet its own demands within the application site.

It is not possible to provide increased on-site car parking for either the lawful use or the proposed use. The comprehensive car parking survey forming part of the Transport Statement shows available capacity within 200m of the application site for a use which is less likely to generate trips than that associated with the lawful use of the site as a 32-bed nursing home. (para 3.53 refers)

Principle 6

2.19 To ensure that developments function efficiently and as intended, detailed consideration needs to be given to the following:

- a) Providing garages of sufficient size – if garages are provided they must be at least 6m x 3m internally. If garages meet this requirement, they will be regarded as an allocated parking space of 0.5 but a car port or parking space of this dimension would count as 1 parking space, and calculations of parking demand will take account of this. Where garages do not meet this minimum size, they will not be counted towards meeting parking demand.*
- b) Providing adequate visitor parking – Adequate visitor parking is required and this will be influenced by the level of unallocated parking.*
- c) Likely cycle ownership and storage – Good cycle storage facilities are important, but requirements should take account of dwelling size and type. The minimum standard of cycle provision is set out in Table 2.3.*
- d) Where accessible or wheelchair friendly accommodation is proposed or required, parking spacing and garaging should be provided in accordance with the requirements for increased parking space proportions.*
- e) Impact on 'total demand' where electric vehicle charging points are provided.*
- f) spaces for disabled people – Provision should be consistent with guidance in "Manual for Streets".*
- g) Motorcycle parking – Provision should be consistent with guidance in "Manual for Streets".*
- h) Space for storage bins – Part H of the Buildings Regulations suggests storage areas dimensions which are suitable for refuse and recycling bin storage. Development may be required to demonstrate suitable storage to ensure parking provision is available at all times.*

The applicants' highway consultants have carried out a comprehensive parking capacity assessment in neighbouring streets within 200m of the application site, which has revealed a 30.3% availability in terms of parking provision, confirming that the absence of further on-site car parking provision would not generate excessive parking demands or traffic in the area. Good cycle storage facilities are provided taking account of dwelling type and size, irrespective of the absence of any cycle standards for HMOs. Storage bins will be provided to meet the mandatory requirements of your Council's Standards of Houses in Multiple Occupation, which will be dealt with by condition in the HMO licence. (paras 3.43, 3.53, 3.70, 3.81 & 3.82 refer)

Principle 7

2.20 The varying characteristics across the District means that the amount of commercial vehicle parking will vary greatly between one site and another. The amount of car parking should be based on:

- a) The development's land-use.*
- b) Trip rate associated with the development (including base and forecast mode share), and*

c) The user group of staff/visitors of the site (including shift patterns)."

This principle is not relevant to the proposed development.

4.00 HOUSING LAND SUPPLY

I. Important Preliminary Considerations

- 4.01 Chapter 3 of this planning statement has revealed that the change of use now sought on land at Aldwick House, 41-45 Nyewood Lane from a 32 bed Class C2 nursing home to a 38 bedsit sui generis HMO use accords with the policies in the up-to-date Arun Local Plan 2011-2031 considered as a whole. To the extent that there are no other considerations which indicate otherwise, planning permission should be granted without delay in accordance with paragraph 11c) of the Framework.
- 4.02 In the alternative, and irrespective of the contents of the previous paragraph, there are no “Footnote 6” policies relevant in a determination of the proposed development, with the result that the decision-taker can proceed directly to determine the current application by applying limb (ii) of paragraph 11d) of the Framework. The existence of a housing land supply shortfall in your District means that along with the proposed development complying with the “*development plan*” considered as a whole; both balancing exercises clearly point in favour of the grant of planning permission, triggering the “*tilted balance*” in accordance with paragraph 11d)(ii).

II. Current Housing Land Supply Position

- 4.03 Paragraph 73 of the NPPF 2019 states that local planning authorities should identify and up-date annually a supply of specific deliverable sites, sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- 4.04 National Planning Policy Guidance (hereinafter referred to as NPPG) poses the question “*What housing requirement figure should authorities use when calculating their 5 year housing land supply?*” The response given in paragraph 005 Ref. ID: 68-005-20190722 dated 22nd July 2019 states:

“Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year housing land supply figure where:

- *The plan was adopted in the last 5 years, or*
- *The strategic housing policies have been reviewed within the last 5 years and found not to need updating.*

In other circumstances the 5 year housing land supply will be measured against the area's local housing need calculation using the standard method."

4.05 National policy and related guidance reflects what is stated in the Housing Delivery Test Measurement Rule Book published by MHCLG in July 2018. In situations where an adopted housing requirement is less than 5 years old, or a plan that is more than 5 years old but the review has confirmed the housing figure does not need updating; reliance should be placed on the lower of:-

- EITHER the latest adopted housing requirement, including any unmet need from neighbouring authorities which forms part of that adopted housing requirement. This requirement will be either the stepped housing requirement (or the annual average requirement where there is no stepped requirement)
- OR the minimum annual local housing need figures (and any need from neighbouring authorities which it has been agreed should be planned for, and which has been tested at Examination) for that authority calculated with a base date of 1st April each year.

4.06 In the event the housing requirement is set out as a range, the Housing Delivery Test requires measurements to be taken against the lower end of the range.

4.07 Your authority has a recently adopted Local Plan, being less than 5 years old, whilst there is no minimum annual local housing need figure agreed with neighbouring authorities which has been tested at Examination. It follows that reliance can be placed on the housing requirement set out in Policy H SP1 of the statutorily adopted Arun Local Plan 2011-2031.

4.08 The Inspector in his Report into the Examination of the Arun Local Plan found that a stepped approach to housing delivery, increasing from 610 dpa between 2011/12 to 2015/16, to a peak of 1310 dpa between 2020/21 to 2025/26, would result in a

considerable gap between existing supply and the large increase in the Objectively Assessed Housing Needs figure. He found that it would not be straightforward to deliver the strategic sites which would require master planning, related infrastructure and in some cases significant lead-in times. The Local Plan Inspector also found that delivering a greater range of sites within the Local Plan, including smaller sites which would take less time to get off the ground, would have been one way of avoiding a stepped delivery, although the emerging Local Plan relied on Neighbourhood Plans and a Non-Strategic Sites DPD to deliver small allocations. These considerations led to a stepped trajectory being justified.

- 4.09 The stepped trajectory meant a lower figure of 610 dpa would apply for the first 5 years of the Local Plan (2011-2015), rising to 930 dpa for years 6 to 10 (2016-2020), before increasing to 1310 dpa for years 11 to 15 (2021-2025), and then falling to 960 dpa for years 16 to 20 (2026-2030).

- 4.10 The NPPF 2019 states in paragraph 75:-

“75. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.”

- 4.11 The November 2018 Housing Delivery Test figures for Arun DC’s administrative area were published in February 2019, which showed that housing delivery comprised 91% of housing requirement. A Housing Delivery Test Action Plan was required to be prepared as the figure was below 95%. This Action Plan was published in June 2019 setting out a series of actions to be investigated in order to boost housing delivery, one of which from a development management perspective was to rely on the application of paragraph 11d) of the Framework triggering the presumption in favour of development, until a 5 year housing land supply could be re-established.

- 4.12 The November 2019 Housing Delivery Test figures for Arun DC’s administrative area were published on 13th February 2020, which showed a worsening housing

delivery situation, with only 68% of Arun DC's housing requirement being delivered in the preceding three year period. Table 3 overleaf sets out the Government's latest Housing Delivery Test results for Arun DC, confirming that in accordance with Footnote 39 of the NPPF, less than 85% of your authority's housing requirement figure was delivered. It follows that, not only is a Housing Delivery Test Action Plan required to be prepared, but also a 20% buffer is expected to be applied to the housing requirement figure.

- 4.13 These considerations are accepted by your Authority as the contents of the most recent Annual Monitoring Report published in December 2019 confirms. The results are required to be considered alongside paragraph 61 of the Framework which sets out that planning policies should seek to deliver a range of housing sizes, types and tenures to meet the different needs of a community, including people who rent their homes; an important component of the housing market being met through HMO accommodation.
- 4.14 I have reproduced overleaf the latest published five year housing land supply as at December 2019 based on the adopted Arun District Council's stepped housing trajectory. Table 4 has been reproduced from the December 2019 Annual Monitoring Report taking into account large sites commitments, neighbourhood plan allocation and HELAA sites, including a 10% slippage reduction.
- 4.15 It can be seen that the housing land supply position has worsened since the previous Annual Monitoring Report was published in June last year, revealing an acute shortfall amounting to only a **3.7 year housing land supply**.
- 4.16 The situation expressed by the Local Plan Inspector at the time of the Examination into the Arun Local Plan between 2nd June 2015 and 28th September 2017 was that there were likely to be being peaks and troughs in delivery and potentially periods when a five year supply might not be achieved.¹⁷ This position has now been realised less than two years after receipt of his Report into the Examination into the Arun Local Plan.

¹⁷ Paragraph 96 of the Inspector's Report into the Arun Local Plan refers

TABLE 3
Government Housing Land Delivery Test Results 2019 published on 13th February 2020 for Arun DC

No. of Homes Required			Total No. of Homes Required	No. of Homes Delivered			Total No. of Homes Delivered	Housing Delivery Test: 2019 Measurement	Housing Delivery Test: 2019 Consequence
2016/17	2017/18	2018/19		2016/17	2017/18	2018/19			
866	947	1121	2934	618	704	675	1997	68%	buffer

TABLE 4

2019 5 Year Housing Land Supply based on Arun DC LP Adopted Stepped Trajectory

Large Sites Commitments, NP Allocations and HELAA sites all include a 10% slippage

Stepped Trajectory Housing requirement 2019-2023 (930 x 2 + 1310 x 3 + 864 Shortfall*)	6654
20% Buffer	1331
Total Requirement 2019-2023	7985
Large Site Commitments (as at 31 st March 2019 from WSCC RLA data - Appendix 2)	3730
Small Site Commitments (as at 31 st March 2019 from WSCC RLA data - Appendix 6)	277
Windfall allowance (as at 31 st March from WSCC RLA data - Appendix 6)	155
Made Neighbourhood Plan Allocations (without planning permission as at 31 st March 2019 from HELAA - Appendix 5)	168
Deliverable HELAA Sites within built up area (if a HELAA site gained Planning permission after 31 st March 2019 it will show as an addendum to the large sites commitments)	169
Strategic Site Allocations (without PP as at 31 st March 2019 or committed after 31 st March 2019 - Appendix 3)	1,450
Total Supply	7069
Supply in years	3.7

* Shortfall calculated as follows: Stepped Trajectory Requirement for years 2011-2019 was 610 x 5 + 930 x 3 = 5840 Less completions for years 2011-2019 = 4976 : 5840-4976 = 864

Source: Arun District Council Annual Monitoring Report 1st April 2018 – 31st March 2019 published December 2019

- 4.17 The intention was that non-statutory sites would contribute to making up any anticipated shortfall against the trajectory but these have likewise not materialised, exacerbating the concerns previously raised by the Local Plan Inspector.¹⁸ It was also expressed by the Local Plan Inspector that your authority only anticipated commencing work on a Non-Strategic Sites Allocation DPD three years after adoption of the Local Plan, with statutory approval of the same emerging DPD unlikely within a further two years at the earliest. It is for this reason that paragraph 12.1.8 of the Written Statement of the emerging Arun Local Plan was replaced with the following wording, as part of Main Modification 24:-

“The Council will commence the production of a Non-Strategic Site Allocations DPD immediately after the adoption of the Local Plan for those areas of the District which are not covered by, or committed to the preparation of an up-to-date Neighbourhood Plan. Neighbourhood Plans and the Non-Strategic Site Allocations DPD will allocate sufficient sites to meet any identified shortfall, in accordance with the Local Plan housing trajectory.”

- 4.18 Indeed, as recognised by the Local Plan Inspector, the emerging Arun Local Plan did not include any mechanism that would trigger a review or partial review should there be a lack of five year supply¹⁹, prompting the introduction of Main Modification 26, and the introduction of a new paragraph 12.1.12 into the Written Statement, viz:

“The Council will monitor housing delivery against the housing trajectory for the District using the indicators specified in the Monitoring Framework set out in the Local Plan. If the Authority Monitoring Report (AMR) demonstrates that annual housing delivery is less than the annualised requirement or the projected completion rate (whichever is the lower) in two consecutive years (based on the trajectory set out in picture 12.1 of this Plan and in Appendix A to the Housing Implementation Strategy), the Council will undertake a partial review of this Plan. In undertaking this review, the Council will ensure that sufficient infrastructure capacity is available, and that the potential allocation of additional housing sites will not prejudice delivery of the infrastructure required by this Plan.”

- 4.19 This prognosis regarding the ability of your Authority to deliver homes in accordance with the housing requirement figure set out in the adopted Local Plan in the short term does not bode well at today’s date, particularly given the reasons

¹⁸ Paragraph 97 of the Inspector’s Report into the Arun Local Plan refers.

¹⁹ Paragraph 98 of the Inspector’s Report into the Arun Local Plan refers.

for the shortfall advanced in your Council's current Housing Delivery Test Action Plan.

- 4.20 What is apparent however, is that the current acute housing land shortfall triggers the "*tilted balance*", which when seen alongside compliance with the "*development plan*" considered as a whole, points favourably to the grant of planning permission for the proposed development on land at Aldwick House, 41-45 Nyewood Lane.

5.00 AN ASSESSMENT OF THE PLANNING MERITS OF THE PROPOSED DEVELOPMENT

1. The Nature of the Proposed Use

5.01 Gatwick Bedsits are a highly professional HMO provider meeting the residential needs of tenants on low incomes where car ownership on average is only available to 50% of the occupants. Effective management of their HMOs is of paramount importance to the company to the extent that they have never received a complaint from the Planning and/or Housing Department of a Local Authority.

5.02 The company uses local letting agents to source potential residents, who are in employment. My clients are not reliant on local authority tenants, with the result that their bedsits do not comprise a form of affordable housing. They do not accept children or animals and are aimed primarily at single working adults. An individual property in bedsit accommodation provides for a wide variety of people of different ages, although they tend to be predominantly single males. I have set out below in Table 5 details of the mix of tenants at Nos. 6-9 Ifield Road, Crawley, West Sussex RH11 7AP, which is a 27-bed HMO in Crawley BC's administrative area.

TABLE 5
Tenant Mix at 6 – 9 Ifield Road Crawley RH11 7AP - a 27 bed HMO

Start date	Age	Sex	Status	Start date	Age	Sex	Status
28/02/20	19	M	Single	29/10/18	45	M	Single
12/04/18	40	M	Single	22/12/18	28	F	Single
17/04/18	51	M	Single	14/12/19	27	F	Single
16/06/18	27	F	Single	01/06/19	27	M	Single
09/09/17	28	F	Single	01/07/16	60	F	Single
01/09/18	22	M	Single	29/01/19	47	M	Single
25/01/20	20	M	Single	29/03/18	44	F	Single
08/02/20	36	M	Single	03/07/17	42	M	Single
06/03/20	42	M	Single	01/12/18	30	F	Single
02/09/19	29	M	Single	10/04/19	19	M	Single
06/03/20	27	M	Couple	06/12/19	22	F	Single
31/05/19	35	M	Single	01/03/19	45	M	Couple
29/09/17	41	M	Single	01/03/19	39	M	Single
04/11/19	33	M	Single				

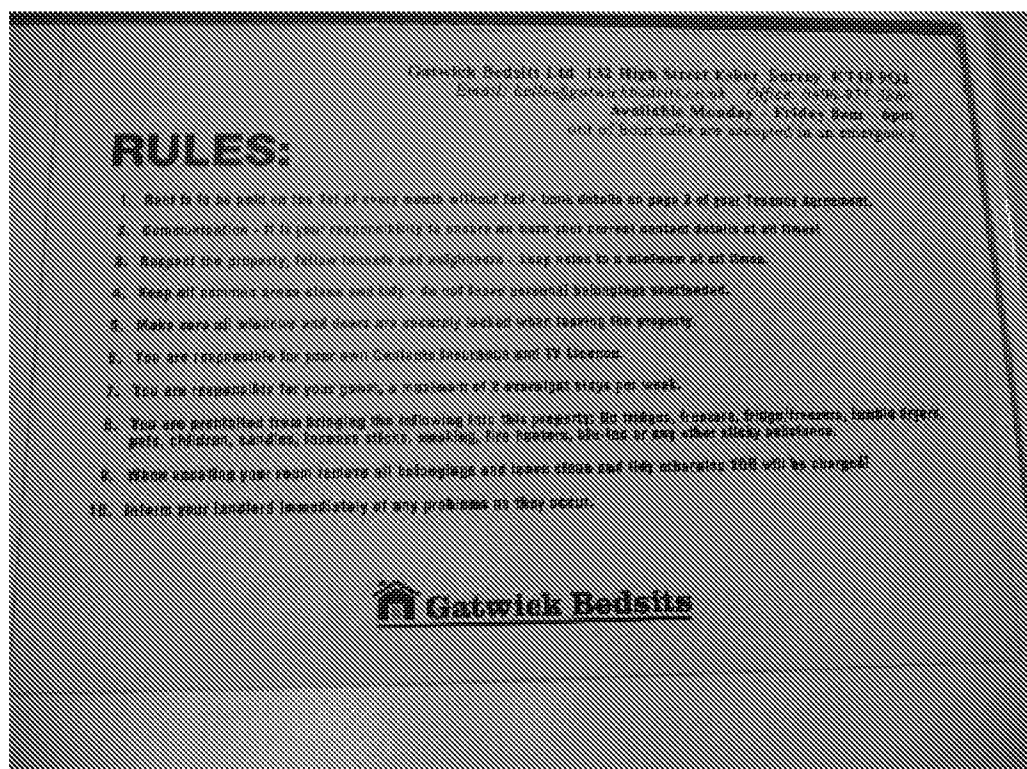
Source: Gatwick Bedsits Records

- 5.03 The applicants accept that they will require a mandatory licence under the Housing Act 2004 to ensure the efficient management of the application site for its stated purpose. This is a procedure with which Gatwick Bedsits are familiar in the organisation of HMOs in their ownership.
- 5.04 The phrase HMO accommodation has unfortunate connotations with certain members of the general public, often being associated with rogue landlords and poor facilities. In order to demonstrate that this is not the kind of product associated with Gatwick Bedsits, my clients, through this application, extend an invitation to both Members and officers of your Authority to visit one of their latest acquisitions, being Derby House, 72 Margate Road, Ramsgate, Kent CT11 7SG, in Thanet DC's administrative area, at the same time drawing your attention to their brochure reproduced at Appendix 3, outlining the nature of their business. The photographs attached to this chapter relate to a property in Ramsgate, comprising part of their portfolio. It is the applicant's intention that the same standard of accommodation will be provided at Aldwick House, 41-45 Nyewood Lane.



- 5.05 It is proposed to install an entry door system outside the front door of the premises to each unit in the HMO, and once inside the entrance hall, a facility will be created in which post belonging to each tenant will be separated. Signs will be displayed indicating the way to each numbered unit, and copies of the mandatory licence containing relevant details will be displayed close to the communal point of entry.
- 5.06 All communal parts of the building, along with areas outside the property where bicycles are stationed, refuse disposal areas are found, and an electric vehicle charging point is to be provided, will be under the surveillance of CCTV cameras, as is the case with all other HMOs managed by the applicants. The CCTV cameras will be discreetly positioned in areas of the application site without being immediately apparent to the unassuming observer. The only areas which are not covered by CCTV cameras in HMOs managed by the applicant company, are the individual rooms of the occupants, shower rooms and toilets.
- 5.07 Staff are available by telephone 24 hrs a day, 7 days a week in case of emergency, with communication being available Monday to Friday between 8am and 6pm. Each bedsit enjoys the security of a video entry door system, USB satellite and digital TV points, with the entire building being accessible to superfast WiFi, as well as ethernet points in each room. Attention is paid to detail and finish of each individual bedsit, with windows provided with additional privacy through a roller net or the comfort of a blackout blind.
- 5.08 All lighting in the communal areas will be motion sensitive, preventing the lights being left on, with LED lights fitted throughout the accommodation as they are energy efficient and long lasting. Lighting in the individual units will be fitted with dimmer switches, to suit individual tenants' requirements. The only carpeted areas will be the stairwells and the private accommodation in each unit, save for the area around the kitchen fittings which is tiled. All remaining common areas, including showers and toilets, will be tiled for reasons of cleanliness and ease of management. A contract with a cleaning company will involve weekly checks of all common areas to ensure they are clean and tidy, reporting problems to the individual tenant where it is evident, as well as to the managers.

- 5.09 A remote central heating control unit will be available in the building on each floor and the controls will have tamper proof casing, and like video stills obtained from CCTV cameras, they will be accessible by a member of the management team utilising a mobile phone, so that the temperature is constant, or may be raised or lowered dependent on weather conditions.
- 5.10 Signage is paramount not only in directing the occupants to the various rooms, but also in terms of providing emergency exit information and house rules governing the expected behaviour of each tenant. All corridors will be fitted with half-hour resistant fire doors, with fire extinguishers and fire blankets available in every unit. Every 3 months there will be an A1 profile smoke and heat detection service/inspection carried out.



- 5.11 The individual units within the HMO will contain a modern cooker and hob with an extraction system, a fridge, a sink and worktops, along with cupboards. These items of furniture, along with the beds which cannot be removed, prevents the layout of the individual units from being altered, thereby preventing overcrowding.



- 5.12 A separate laundry room complete with a bank of washing machines will be available for tenants' use within the property, along with information provided in the same room on "*troubleshooting*", setting out problems with possible causes and solutions, as is the case in other HMOs managed by the applicants.



- 5.13 The proposed conversion of Aldwick House will contain the following amenities on each floor, as set out on Drawing No.PL-05 prepared by concept studio mk ltd:

Ground Floor

10 x single person bedsits;
8 x double person bedsits
1 x shower room containing a WC
5 shower rooms
5 x separate WCs

First Floor

11 x single bedsits
5 x double bedsits
1 x shower room containing a WC
4 x shower rooms
4 x separate WCs

Second Floor

3 x single person bedsits
1 x double person bedsits
1 x shower room
2 separate WCs

- 5.14 Each shower room, along with the separate WCs on each floor will have tiled floors and walls and be heated throughout, reflecting the shower rooms and toilets available for both male and female tenants at Derby House, 72 Margate Road, Ramsgate, Kent CT11 7SG.



- 5.15 Individual tenants will be provided with a single key, allowing entry to the rear garden area from Richmond Avenue, as well as to their own room. Access will only be available by way of a master key belonging to those managing the individual HMO. A master key will only be available to the manager(s), allowing access to every room in cases of emergency. The tenants are to be selected by two local letting agents, responsible for all advertising and references.

5.16 In the case of the proposed development on the application site, the communal areas will be regularly mown and attended to through gardening contracts, with cycle racks provided for tenants' sole use on the application site. Each tenant will be required to sign an Assured Shorthold Tenancy Agreement setting out the rules regarding rent and other payment; issues regarding the ending of the tenancy; repairs and maintenance; sharing, assignment, guests and sub-letting; delivery of documents and most important, use of the property.

5.17 Table 6 below indicates the occupancy levels measured in terms of rents collected yearly from January to December associated with the HMOs under the management of Gatwick Bedsits since 2010. Tenants have lived in the same unit for more than 7 years in certain of the HMOs comprising part of the applicant's portfolio.

TABLE 6
Yearly Occupancy Levels in the HMOs Managed by the Applicants
Measured in Terms of Rents Collected from January to December

Year	Occupancy Rate p.a.
2010	99.9%
2011	98.25%
2012	98.85%
2013	97.77%
2014	99%
2015	94.3% *
2016	94.5%
2017	90% *
2018	94.25% +
2019	97.5%

* A lower figure was recorded because of refurbishment works

+ Derby House had a corporate let and there was a void period

Source: Gatwick Bedsits Records

II. Sustainability Credentials

5.18 The NPPF 2019 is based on a presumption in favour of sustainable development, comprising an economic, a social and an environmental objective.

A. Economic Objective

- 5.19 I have previously referred in paragraphs 3.16 to 3.19 of this planning statement to the documents entitled *“Laying the Foundations: A Housing Strategy for England”* published by HM Government in 2011, and to *“Fixing the Foundations: Creating a More Prosperous Nation”* published by HM Treasury in July 2015. The provisions of these documents point to factors which can impede productivity. They place great weight on the value of using suitable brownfield sites within designated settlements for homes, providing a choice to the consumer, at the same time allowing places to grow in ways which are sustainable.
- 5.20 A direct link arises between building homes and securing jobs. The current proposals relate to the conversion of a former Class C2 nursing home to a 38 bedsit HMO, involving construction works which in themselves will create multiplier effects through purchases, including the spending of local construction workers. In this way it aids apprenticeships specifically offered to local residents or through schools and local job centres. Some of the construction workers may not be resident in the local area, which will lead to a benefit to local guest houses and hotels. In this way the shops and services in Bognor Regis, particularly along both sides of Aldwick Road, found within easy walking distance of the application site, would benefit from the spending of construction workers.
- 5.21 In addition to creating jobs in the construction industry, the proposed development will also encourage growth in primary and secondary sectors of the house building industry, as well as in the local area. As a result, there will be multiplier effects in terms of increases in expenditure such as the purchase of building materials, services provided by letting agents, cleaners and gardening contractors. This in turn can result in the creation of jobs in Bognor Regis with a consequential increase in demand for goods and services, generating growth in the local economy.
- 5.22 Further economic benefits directly relevant to the proposed development arise through the provisions of the *“New Homes Bonus”*. In this regard, Section 143 of the Localism Act 2011 introduced an amendment to Section 70 of the Town & Country Planning Act 1990 (As Amended), identifies that when determining an

application, a Local Planning Authority shall have regard to “*any local financial considerations so far as material to the application*”.

- 5.23 The New Homes Bonus is a grant paid by central government to LPAs for increasing the number of houses and their use in their administrative areas. It is based upon the amount of extra Council tax revenue for the new build homes, as well as conversions and includes bringing back into use long term empty homes.
- 5.24 The advantages arising from the economic dimension of sustainable development are therefore self-evident.

B. Social Objective

- 5.25 The social objective forming part of sustainable development involves the planning system in providing for a supply of housing, at the same time creating a high quality environment with accessibility to local services, particularly those reflecting a community’s everyday needs.
- 5.26 The proposed development will provide for much needed housing at a time when the Council does not have a five year supply of deliverable housing sites, and where it is accepted that the supply amounts to only 3.7 years. The current proposals provide for 38 bedsits as part of a sui generis HMO to meet the needs of local and/or new households, providing for those employed in the Housing Market Area.
- 5.27 The overwhelming majority of the proposed accommodation in the HMO is to comprise one person 1-bed units. The Office for National Statistics (ONS) found that the number of people living on their own increased by 16% to 7.7m between 1997 and 2017, coinciding with the period when the UK population increased by only 13%. The number of one person households are projected to rise to 10.7m by 2039. Research undertaken by ONS showed that one person households are more likely to be renting and feel less financially secure than couples with children, with fewer reporting they have money left over at the end of the week or month. In concentrating on those persons aged 25 to 64, the same study revealed that most of those living alone are men comprising (60%), and whilst this is more pronounced at younger age groups, the gap between sexes narrows as age increases. Those

people in their late 50s and early 60s are more likely to be divorced, although more than one third between the same age groups have never married.

5.28 A further study undertaken by the Office of National Statistics (ONS) dated 4th April 2019 entitled “*The Cost of Living Alone*” recorded that people between the ages of 25 and 64 living on their own spend on average 92% of their disposable income, compared with a two-adult household which spends 83%. The ONS Family Expenditure Survey April 2018 to March 2019 identified average weekly household expenditure for a single adult to amount to £367.66, compared with an average weekly household expenditure across all households of £585.60. This includes food and alcoholic and non-alcoholic expenditure, clothing, housing, water, electricity, furnishings, health, transport, recreation, education and miscellaneous goods and services. This means that the level of disposable income produced by the proposed use of Aldwick House, 41-45 Nyewood Lane will amount to £895,157 per annum.²⁰ In this way, the proposed development has important implications for the social objective of sustainable development.

5.29 The Transport Statement prepared by PFA Consulting Ltd considers access to local shops and services and public transport provision in the locality, demonstrating that the proposed development is well located to a range of facilities which are found within a desirable walking and cycling distance of the proposed development, reducing the need to travel by car. Bus stops are found within 175m of the proposed development, with Bognor Regis Railway Station found 1.3km from the application site. Given these factors, and coupled with a Travel Plan, the proposed development accords with national and local policy.

C. Environmental Objective

5.30 The environmental objective performed by sustainable development requires the planning system to protect and enhance the natural and built environment. The application site comprises previously developed land, situated within a residential area, wholly within the built up confines of Bognor Regis. It makes use of a building which is currently vacant, for a purpose for which there is a shortfall in Arun District Council’s administrative area. In this way it will allow for the

²⁰ £367.66 x 24 x 52 = £468,840 ; £585.60 x 14 x 52 = £426,317 ; **£468,840 + £426,317 = £895,157**

continued occupation of a wasting asset, at the same time ensuring that it is properly managed and maintained, commensurate with its attractive appearance.

5.31 The proposed development does not seek to use a greenfield site which otherwise is inevitable if the Council is to meet its housing requirements, as set out in the adopted Arun Local Plan 2011-2031. The application site is not constrained due to its location being part of a Site of Nature Conservation Importance (SNCI); National Nature Reserve (NNR) or Local Nature Reserve (LNR); whilst it does not lie within any nominated distance of a Special Protection Area or Special Area of Conservation (SPA/SAC).

5.32 The conversion of a vacant, attractive building, into a 38 bedsit HMO allows for its restoration, increasing the vibrancy and vitality of the neighbourhood beyond the current situation. Cycle stands will be provided within the curtilage of the application site, to encourage tenants to use sustainable modes of transport, and an electric vehicle charging point will be installed to meet your Council's latest parking standards SPD.

D. Conclusion on Sustainability Credentials

5.33 It follows that the benefits seen from the environmental limb of sustainable development far exceed any disadvantages, with the consequence that overall, the proposed development complies with the principles underlying the three objectives of sustainable development.

6.00 CONCLUSIONS

6.01 The following conclusions emerge from this planning statement concerning the proposed development on land at Aldwick House (formerly The Nyewood Centre), 41-45 Nyewood Lane, Bognor Regis, West Sussex PO21 2SJ.

- A. All the buildings which now comprise the current application site, and which had all been the subject of extensions and alterations throughout the 1980s, were in use as a C2 nursing home use 29 years ago, following the grant of planning permission on 16th October 1991 under Reference No. BR/212/91.
- B. The applicant's position is that the change of use from a Class C2 nursing home to a sui generis HMO use accords with the policies in an up-to-date development plan taken as a whole, and to the extent there are no other considerations which indicate otherwise, planning permission should be granted without delay, in accordance with paragraph 11c) of the Framework.
- C. Alternatively, if this proposition is not accepted, then it is equally evident that there are no "Footnote 6" policies relevant in a determination of the proposed development. As a consequence, limb (i) of Paragraph 11d) of the Framework is not applicable, with the decision-taker then required to proceed to determine the application by applying limb (ii) of paragraph 11d) of the Framework, and the "tilted balance".
- D. The more recent High Court judgment involving Gladman Developments Ltd v the Secretary of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council (2020) EWHC 518 (Admin) delivered on 6th March of this year confirms that in interpreting paragraph 11(d)(i), consideration is only required to be given to the Framework, and not to development plan policy; but in examining paragraph 11(d)(ii) the policies in the development plan should not be excluded in adjudicating upon the "tilted balance".

- E. An examination of Chapter 3 demonstrates that the proposed development on the application site is in accordance with the four most relevant themes taken from current central government policy concerning addressing the housing crisis; making effective use of land; design and promoting sustainable transport.
- F. In addressing the housing crisis, national policy requires an effective land and housing market to promote productivity by enabling the economy to adapt to change, helping firms to locate where they can be most efficient and create jobs, and enable people to live and own homes close to where they work. It requires policies in plans to allow for a choice for consumers, and places to grow which are sustainable.
- G. National policy requires Local Planning Authorities to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Planning policies and decisions are expected to support development which makes effective use of land, taking into account the identified need for different types of housing and other forms of development and the availability of land suitable for accommodating it. Where there is an existing or anticipated shortage of land to meet identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- H. The current proposals are based around the change of use of an existing building from a Class C2 32-bed nursing home to a sui generis 38-bed HMO, with only minimal alterations to the external appearance of the existing building, being grounded on an understanding and evaluation of the surrounding area's defined character, whilst optimising the potential of the site to create a safe, inclusive and accessible place.
- I. In considering the theme of promoting sustainable transport, reference is required to be made to the submitted Transport Statement forming part of the application particulars, and in particular the conclusions set out at

paragraphs 5.2 to 5.5 inclusive, together with the submitted Travel Plan, both prepared by PFA Consulting Ltd.

- J. In assessing the current proposals against Policies SD SP1 and SD SP2 of the adopted Arun Local Plan 2011-2031, the change of use sought from a Class C2 32-bed nursing home to a sui generis 38-bed HMO is to take place in an acceptable sustainable location, being found within the built up area boundaries of Bognor Regis. Hence there is compliance with both overarching policies.
- K. Policy H SP4 is concerned with "*Houses in Multiple Occupation*" and is a dominant policy in an adjudication of the proposed development. The proposed change of use retains the character of the existing property and that of the surrounding area where the single prominent feature associated with built development comprises single and double fronted gabled elevations facing onto principal highways, with bay windows found at both ground and first floor levels, and where there is a variety of facing materials beneath either tiled or slate roofs.
- L. Significantly, no loss of any residential unit arises, whether or not capable of family occupation, in the event that a favourable decision is reached in respect of the current application.
- M. The lawful use of the application site comprises a Class C2 32-bed nursing home, accommodating 30 single and one double room. In addition to the occupants, I am advised that the Class C2 nursing home employed approximately 40 members of staff, 25 of whom were full-time, deployed on a 24 hour, 7 day a week rota basis. No restrictions were imposed on visiting times when family members and friends visited occupants of the nursing home, with the intensity of the use increasing through attendance on a regular basis of doctors, nurses, hairdressers, chiropodists and garden contractors. These general levels of activity including staffing requirements and all the comings and goings associated with the application site are far greater than envisaged by its proposed use as a 38-bed HMO comprising 24 single and 14 double rooms, where the intention is for a weekly cleaner, a

monthly window cleaner and a gardener to attend the site for regular maintenance purposes.

- N. The number of HMOs found in the surrounding area reveals that there are considerably more buildings which are not identified as HMOs, further supporting the opinion that the character of the area, including any likelihood that there would be an erosion in the balance between different types of housing, including family housing, has no substance.
- O. An assessment of the number of HMOs found in the immediate vicinity of the application site is the subject of Table 2, covering the same geographical area as that which formed the subject of the car parking survey prepared on behalf of PFA Consulting Ltd. When assessed against two recent appeal decisions in your Council's administrative area concerning changes of use from single dwellings to HMOs, the conclusion reached is that a favourable decision made in respect of the current proposals would not lead to an over-concentration of HMOs or an imbalance in housing provision in the surrounding area.
- P. The contents of paragraph b. of Policy H SP4 are required to be assessed in the context of the car parking survey of streets within approximately 200m of the application site undertaken on behalf of PFA Consulting Ltd and contained in their Transport Statement. The results of the car parking survey set out at paragraph 3.7 of the accompanying Transport Statement reveal that there was a total of 24 on-street car parking spaces available overnight during a weekday. The total parking survey revealed that within a radius of approximately 200m of Aldwick House, 41-45 Nyewood Lane, 116 spaces were available, equivalent to 30.3% of parking spaces.
- Q. The conclusion derived from the car parking survey demonstrates that the current proposals would not generate excessive parking demand or traffic in the area, despite off-street parking provision on the application site being limited to two spaces; which is no different from that associated with the lawful use of Aldwick House, 41-45 Nyewood Lane as a Class C2 nursing home.

- R. Any consideration of open space provision on the application site in accordance with paragraph c. of Policy H SP4 is required to take into account the plot size and footprint of built development on land at Aldwick House, 41-45 Nyewood Lane, along with its lawful use as a Class C2 32-bed nursing home, involving at least an equivalent or likely greater amount of general activity. The amount of open space on the application site remains unaffected by the proposals.
- S. For reasons relating to the importance to be attached to consistency in decision making as a matter of public policy, the manner in which your Council examined paragraph c. of Policy H SP4 in a recent change of use from a partial residential guest house to a full HMO on land at 36 Pier Road, Littlehampton BN17 5LW, is of particular relevance when considering the current proposals on the application site.
- T. Policy D DM1 of the adopted Arun Local Plan 2011-2031 is concerned with aspects of form and design quality. The proposed development seeks to make the best use of previously developed land, at an equivalent density to its existing lawful use. Advantage has been taken of its accessible location to public open space provision close to the sea front, between Marine Drive West and King's Road, situated less than 125m away, with the "*West Park Amenity Area*" less than 250m from the application site. Shops, services and community facilities are situated within 75m walking distance of the application site, on both sides of Aldwick Road, where the pavements are predominantly flat and have street lighting. The intended change of use does not materially affect the character of the site, the external appearance of the building, or issues of local distinctiveness.
- U. The Technical Housing Standards (Nationally Described Space Standard) referred to in Policy D DM2 of the adopted Arun Local Plan 2011-2031 do not provide any relevant standards for HMOs. However, the submitted drawings reveal that the minimum room sizes specified in your own Council's standards for houses in multiple occupation are achieved for each one-roomed bedsit unit proposed on the application site.

- V. The replacement of a single storey conservatory and store at the rear of the building, with a new single storey rear extension covering an almost identical footprint, together with a limited number of openings on the side and rear elevations which are to be bricked up, and the insertion of four velux rooflights at the rear of the building; all relate sympathetically to the existing structure and are visually integrated with the existing property in terms of their siting, massing, design, form, scale and materials. The new single storey rear extension will be visually subservient to the main building whilst no adverse overshadowing, overlooking or overbearing effect will result to neighbouring properties. In this way, the established spatial character and pattern of development in the vicinity will remain unaffected. It follows that the current proposals accord with Policy D DM4 of the adopted Arun Local Plan 2011-2031.
- W. It is not considered that a change of use of the existing building from a Class C2 32-bed nursing home to a sui generis 38-bedsit HMO would lead to an intensification of new noise generating development in the surrounding area. The proposed internal layout largely follows that of the previous lawful use, with no high levels of noise experienced throughout the night. The external alterations to the dwelling are such that they will not result in an adverse impact in terms of privacy, overlooking or overbearing relationship with adjoining properties. It follows that the proposed development complies with Policy QE DM1 of the adopted Arun Local Plan 2011-2031.
- X. The provisions of Policy T SP1 of the adopted Arun Local Plan 2011-2031 are required to be seen in conjunction with paragraph 105 of the NPPF 2019 referred to in paragraph 3.24 of this planning statement. It can be seen from Table 2.4 taken from the Transport Statement prepared by PFA Consulting Ltd that the application site is well situated in terms of walking and cycling distance to existing local facilities, having regard to the guidance set out in the Department of Transport Manual for Streets March 2007 and the Institution of Highways and Transportation document “*Providing for Journeys on Foot*”. This in turn reduces the need for reliance on the private car.

- Y. Table 4 of this planning statement has been reproduced from the December 2019 Annual Monitoring Report based on the adopted Arun District Council's stepped housing trajectory, taking into account large sites commitments, neighbourhood plan allocation and HELAA sites, including a 10% slippage reduction. It can be seen that the housing land supply position has worsened since the previous Annual Monitoring Report was published in June last year, revealing an acute shortfall amounting to only a **3.7 year housing land supply**.
- Z. It follows from this planning statement that in applying the "*tilted balance*" planning permission should be granted. This is because firstly, there are no adverse impacts which significantly and demonstrably outweigh the benefits arising from the change of use of Aldwick House from a Class C2 32-bed nursing home to a sui generis HMO accommodating 38 bedsits. Secondly, the "*tilted balance*" applies, as your Council cannot demonstrate a 5 year housing land supply with the appropriate 20% buffer, based on the February 2020 Housing Delivery Test results published by MHCLG.
- AA. Chapter 5 reveals that the applicants are a highly professional specialist in HMO provision, producing a high value product for those on lower incomes seeking one-roomed HMO bedsit accommodation, meeting an important segment of the local housing market.

6.02 For reasons set out in this planning statement and related appendices, it is contended that planning permission should be granted for the proposed development on land at Aldwick House, 41-45 Nyewood Lane, Bognor Regis, West Sussex PO21 2SJ.

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