

PLANNING APPLICATION REPORT

REF NO: BR/111/24/PL

LOCATION: 8 Argyle Road
Bognor Regis
PO21 1DY

PROPOSAL: Change of use of 1 No. two storey terraced three bed house and workshop to 5 bed HMO (house in multiple occupation). This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of a 3 bed house and attached workshop into a 5 bed house of multiple occupancy. The number of occupiers will be a maximum of 5. This has been reduced from 7 due to comments from the Private Sector Housing Officer.
SITE CHARACTERISTICS	The site is occupied by a terraced two storey dwelling.
CHARACTER OF LOCALITY	The area is predominately residential although is in close proximity to Bognor Regis town centre and there are numerous commercial properties to the south and rear of the site. There is also a medical centre to the rear.

REPRESENTATIONS

Bognor Regis Town Council object:

- The HMO would result in a proliferation and over concentration of such uses in an area with an Article 4 direction.
- It will harm the character of the area and is contrary to HSP2 (a).
- In the absence of a parking study, it is not been demonstrated it would not result in excessive parking.

15 letters of objection received from 8 nearby occupiers:

- Limited residential or visitor car parking which will be worsened by 5 more potential vehicles.
- Concerns over additional noise from the HMO.
- Access to the rear is served by an alley and there are concerns this will be an area for rubbish and block access.
- Waste disposal may be a problem with more people.
- Is the communal area large enough for 7 people.
- There are enough HMO's in the area.
- It will result in more congestion.
- The area has had poor experience with anti social behaviour in other nearby HMO's.
- How will biodiversity be encouraged.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health

- No comment.

Private Sector Housing

- Any HMO with 5 or more people requires a mandatory HMO Licence.

- Based on the washing/toilet facilities the property would be suitable for five people only.

- Full comments on fire safety, ventilation and general compliance requirements can be viewed online.

Ecology

- No comment or concerns regarding the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The number of occupants has been reduced from 7 to 5 as a result of the Private Sector Housing Officer comments.

POLICY CONTEXT

Built-Up Area Boundary

Article 4 Direction ref 3/62/24

Pagham Harbour Zone B

Current Flood Zone 1

Low Risk of Surface Water Flooding (1:1000-year risk)

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
SDSP2	SD SP2 Built-up Area Boundary
ENVDM2	ENV DM2 Pagham Harbour
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal complies with relevant Development Plan policies in that it provides a house of multiple occupancy which does not adversely effect the character of the area, the residential amenity of neighbours or occupants, or generate excess parking demands.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG). This planning permission is exempt as the development is below the de-minimis threshold of 25 square metres and does not impact any onsite priority habitat.

CONCLUSIONS

PRINCIPLE

The site lies within the built-up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as character, residential amenity, noise, highway safety & parking and space standards. Bognor has a 'made' Neighbourhood Plan however none of the policies are relevant to the application.

PLANNING POLICY ON HMO's

Arun Local Plan Policy H SP4 states that '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".

In January 2023, Arun District Council confirmed an Article 4 Direction to remove permitted development rights for the change of use from a (C3) dwellinghouse to a (C4) house in multiple occupancy.

This means that a planning application is required to change the use of a dwelling house to a house in multiple occupation (shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom). The area the Article 4 direction applies to covers the below wards:

- River ward in Littlehampton.
- Marine ward in Bognor Regis.
- Hotham ward in Bognor Regis.

These are wards where existing or future high concentrations of HMOs are likely to be harmful to the amenity or wellbeing of local residents and communities. As a result, the making of the Article 4 direction ensures that the issues and impacts arising from this form of development can be properly assessed through planning policy.

Marine ward has 193 HMOs and with the other wards identified above has the highest levels of anti-social behaviour. The analysis undertaken by Building Research Establishment (BRE) in 2021 on behalf of Arun DC demonstrates that HMOs in the Marine ward represents approximately 10% of the private rented stock. Furthermore, 8% of HMO's in the Marine ward are estimated to suffer from category 1 hazards. The collective evidence studies demonstrably showed harm to the wards of River, Marine and Hotham, arising from the concentration of HMO uses and that this evidence can be used as a material consideration in determining further HMO proposals in those areas.

The site is in the Marine Ward, which is subject to the Article 4 Direction. The proposal is for a change of use from class C3 dwellinghouse to a C4 HMO for 5 persons, which would not have required planning permission were the Article 4 Direction not in force.

The assessment of the proposal against these criteria will be covered below under the relevant headings, in order to conclude whether the proposal will accord with H SP4 of the Arun Local Plan.

DESIGN/CHARACTER OF THE AREA

Policy H SP4 requires that HMOs do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.

The proposed change of use would not result in an external change to the appearance of the property from the street scene. The only alteration proposed would be the blocking up of an existing door to the rear ground floor and a new rear access will be created, which exits from the existing workshop.

As a result of the limited external changes, it therefore needs to be determined whether the proposal would impact upon the established character of the area. The site is located within a row of terraced properties. The immediate area contains predominantly residential character, with a small mix of commercial and retail units nearby. Bognor Town Centre is a short walk from the site.

There are 4 other HMOs in Argyle Road, one at No.14 and Nos. 4 and 2 on the opposite side of the road. The BRE evidence report states that 10% of private rented stock in Marine ward are HMO's. Neither Policy H SP4 nor its supporting text set out any specific threshold or limit to the number or proportion of HMOs that would be acceptable. A recent appeal decision (Rose Cottage - BR/168/23/PL) however refers to less than 5% of properties within 250m of a site area as being in multiple occupancy and this was acceptable.

An assessment was undertaken to calculate the number of HMO'S within an area of 150m of the site. There are 9 other HMOs within 150m of the site although these are along Cavendish Road, Bassett Road, and further south on West Street. This equates to approximately 4% and the proposal would therefore still result in less than 5% of properties within this radius being in multiple occupancy. This is also below the 10% figure highlighted in the BRE report. This result supports that there is not such a concentration of HMOs around the application site that would cause the development to have a detrimental impact on the character of the area.

Whilst there are some other HMO's nearby, the area contains predominately independent dwellings. The addition of one HMO will only marginally alter this demographic and introduce a mixed and unrelated household into the character of the area. However, this will not be unduly harmful and will not adversely unbalance the communities and character found in the immediate vicinity nor result in an over intensification of HMO's in the area. The property already provides three bedrooms, which if living as a single family household, would likely enable 4 occupiers.

The proposal is seeking a maximum of 5 occupiers and the increase of one occupier would overall, have a very limited impact on the population of the area. The character of the area will slightly alter as a result of the change, but given the number of HMOs in the immediate vicinity of the site and the small increase to the number of occupiers at the property, this would not result in significant harm to the character of the area.

The proposal would not require external changes which would adversely alter the appearance of the property, nor introduce a use which is at odds with the character of the area or result in an additional HMO unit which would significantly harm the character of the area.

The proposal complies with H SP4 (a), D DM1 and D DM4 of the Arun Local Plan.

NOISE AND RESIDENTIAL AMENITY

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

To enable the HMO, the downstairs living room and dining room would be converted into bedrooms and an attached workshop would be converted to a communal living/dining space. Whilst this would increase the number of occupants at the property, its use as a residential property, albeit an intensified one would not result in a noise generating form of new development. The use remains as residential and will therefore have similar characteristics to other residential properties within the locality.

As there are limited external changes to the dwelling, these will not result in an impact by way of loss of privacy or overlooking as a result of this application.

Comments have been raised about ensuring an alley to the rear of the site remains accessible and free from rubbish as it serves the rear of a number of properties on Argyle Road. The proposal seeks no works to this access path, and it is also not contained with the red edge on the location plan and is not

under ownership of the applicant. Any issues with regards to access would be a private matter.

Given the size of the premises there would be a limited increase in occupancy. The use would be residential in character and have similar characteristics to residential properties in the locality.

Any additional noise would not be sufficiently detrimental to amenity to warrant refusal. The proposal will not have adverse harm to residential amenity and is in accord with D DM1 and QE SP1 of the Arun Local Plan, and the NPPF.

PARKING

Arun Local Plan Policy T SP1 supports development which is designed to reduce the need for travel by car and maintain appropriate highway safety levels. Arun District Council's Parking Standards SPD stresses at paragraph 2.12 that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand.

A property in this location (Parking Zone 4) should provide 2 parking spaces. The dwelling does not have any provision for parking and does not comply with guidance. There is also limited on street parking which requires a resident's permit. It is however material that the existing dwelling provides no parking provision, and none is lost as a result of the change of use.

The site is in a sustainable location and is within walking distance to shops and services in Bognor Town Centre which is located a 500m walk away and to public transport with Bognor train station 400m to the north. Cycle storage will be conditioned to ensure that sustainable travel methods are available.

The proposed parking provision for the development would not comply with ADC standards although by reason of its sustainable location and existing nil parking provision it would not contribute to excessive parking demands and as such accords with policy T SP1 of the Arun Local Plan and with criterion (b) of Policy H SP4 of the Local Plan.

SPACE STANDARDS

Arun Local Plan Policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

ALP policy H SP4 requires that proposals provide adequate areas of open space. The supporting text to ALP policy D DM2 refers to the Arun Design Guide SPD which includes guidance on external space standards, and the need for applications to have regard to include adequate provision of private external space.

The Technical Housing Standards (Nationally Described Space Standard) does not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's Environmental Health Private Housing Standards. The proposed rooms comply with the requirements which are 6.51m² (suitable for 1 person) or 10.2m² (suitable for 2 persons).

There are also requirements such as number of bathrooms / toilets, number of electric sockets per room, kitchen facilities, heating, waste disposal, energy efficiency and windows that need to be complied with in order to receive a HMO licence from the Council. Comments from Private Sector Housing state as a result of the bathroom/toilet numbers the property would only be suitable for 5 people, potentially 6 depending on the set up of the wet room. As a result of the comments and the impact this would have on the ability to gain a HMO licence, the agent has confirmed that the number of occupants has been reduced to 5. This would comply with space standards.

With regards to outdoor amenity space, whilst policy does not state a minimum area of amenity space that HMOs should provide, Part H of the Arun Design Guide (ADG) provides a guideline that communal shared spaces, such as shared external amenity space, should be a minimum of 40m², plus 10m² for each unit. In this case, the interpretation of a unit will mean the property needs to provide 10m² extra for each occupier.

Recent appeal decisions have contributed to guidance on this matter. An appeal concerning 83 Aldwick Road (BR/4/22/PL) made clear that 40sqm of outside amenity space is the starting point for HMOs although Part H of the ADG also states this should be useable and enjoyable. This minimum is strictly imposed on new developments, however as it is acknowledged that for existing properties this is not always possible.

The proposal provides an area of around 28sqm which would equate to 5.6sqm per person. This is short of requirements, although is in excess of the spaces allowed by the Council or the Planning Inspectorate in respect of other HMO decisions, namely at Nyewood Road (ref BR/86/20/PL) which provided 3.56sqm per resident and Royal Bay Care Home (ref BR/213/20/PL) which provided 0.70sqm per resident.

The amount of space provided is adequate as a functional space for uses such as clothes drying or informal sitting out space. The site is also within easy walking distance of nearby public recreation areas with the Esplanade and beach around 200m walk away. There is also a number of public open spaces in close proximity to the property with Steyne Gardens 100m to the south and Hothamton Sunken Gardens to the rear providing additional options for amenity enjoyment.

If the property was to be retained a C3 unit, it would also not comply with current requirements. Given the number of nearby amenities, within easy access, it is concluded that this minor lack of space is outweighed by additional alternative solutions which are sufficient to providing amenity space for the future occupiers.

The proposal is acceptable in terms of external space standards and minimum room sizes and complies with D DM2 and H SP4 (c) of the Arun Local Plan.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Despite no external development works being required, Policy ENV DM5 is clear that all development schemes shall seek Biodiversity Net Gain (BNG). A statement has been provided which details there is little opportunity for biodiversity measures due to the small nature of the site and limited vegetation and brickwork/paving on site. The Councils ecologist had no concerns or comments for the application. A condition will be included for the addition of 2 bird boxes to ensure the development contributes to appropriate net gain on site.

WASTE

The plans demonstrate refuse/recycling bins will be stored to the front garden. This is unlikely to result in harm and is a similar arrangement to existing neighbouring properties. This would be acceptable under WM DM1 of the Arun Local Plan.

PAGHAM HARBOUR

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham

Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. The site lies in Zone B and the proposal results in a net increase of up to 1 dwelling (based on every 3 HMO beds being treated as 1 dwelling). The Pagham contribution would be £950 for one new unit. This is with legal and when secured by a s106 complies with ENV DM2 of Plan.

SUMMARY

The site is in the BUAB, where the principle of development is established. Based on the above assessment, it is concluded that the loss of a single dwelling to a HMO use will not adversely erode the balance between different types of housing found in the immediate vicinity due to the minor concentration of HMO's in the immediate vicinity and will not adversely harm the wider character of the area. Therefore, there is no conflict with criterion (a) of H SP4.

As for criterion (b), the proposal is in a sustainable location, being in close proximity to the town centre, and associated transport infrastructure and would not contribute to excessive parking demands. In regard to criterion (c), from the plans provided, a sufficient amount of garden amenity space will be provided on site and the site is located in close proximity to alternative open space provision if required. The use proposed accords with Policy H SP4.

The proposal is recommended for approval with the following conditions and informatives and subject to a Pagham Harbour Agreement.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The site falls within 5km of the Pagham Harbour Management Zone which is a Special Protection Area. Any proposals for new residential development which is likely to have an impact (within the 5km zone) is

required to contribute £950 per unit. A section 106 is currently with legal for completion which secures a contribution of £950.

CIL DETAILS

This application is unlikely to be CIL liable as it proposes no new floorspace but evidence of current use is separately being sought and will then need to be checked and so it is not possible to determine this at the current time.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location and Block Plan - 14124.01
- Proposed Ground Floor Plan - 14124.04
- Proposed First Floor Plan - 14124.05

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

- 3 The overnight occupancy of the House in Multiple Occupation shall be limited to a maximum of 5 persons at any one time.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with policy H SP4 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

- 5 Two bird boxes shall be fitted to the external wall of the building prior to occupation of the dwelling and shall be permanently maintained in good working condition. The bird boxes shall be attached at first floor level and positioned facing to the eastern elevation. The boxes shall be retained in perpetuity.

Reasons: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 6 **INFORMATIVE:** Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de minimus as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a

biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 8 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £950 towards the Pagham Harbour Access Management Mitigation Measures.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BR/111/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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