

PLANNING APPLICATION REPORT

REF NO: BR/180/24/PL

LOCATION: 10 Cavendish Road  
Bognor Regis  
PO21 2JW

PROPOSAL: Change of use from 8 bedroom House in Multiple Occupation (HMO) to 11 bedroom HMO. This application is in CIL zone 4 and is CIL liable.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	This application seeks permission for use of an existing HMO for 11 persons rather than the 8 approved. The additional 3 would be accommodated in recently approved extensions.
SITE AREA	400sqm
SITE CHARACTERISTICS	Building in use as an 8 bed HMO occupied by 8 No. unrelated individuals.
CHARACTER OF LOCALITY	Predominantly residential, with a small number of residential and commercial units in the wider locality. There are approximately 14 registered HMOs with 150m of the property.

<b>RELEVANT SITE HISTORY</b>
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BR/114/24/CLE	Lawful development certificate for the existing use of a house in multiple occupation for more than 6 persons.	Approve 22-08-24
BR/101/24/PL	Construction of single storey rear extension.	ApproveConditionally 06-08-24
BR/99/24/CLP	Certificate of lawful development for the proposed construction of a rear dormer.	PP Not Required 02-08-24

Relevant planning history noted. BR/114/24/CLE was approved in 2024 evidencing that the property has been in operation as an 8 bed HMO for over 10 years.

<b>REPRESENTATIONS</b>
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Bognor Regis Town Council - Objection:  
- This property is in Marine Ward and is subject to an Article 4 Direction. Not in favour of this existing HMO increasing in occupancy. This would result in a proliferation and overconcentration of such uses in

an area with an Article 4 Direction and would result in harm to the character of the area due to the number of such uses contrary to policy H SP4 (a) of the Arun Local Plan.

- The HMO by reason of the number of increased occupiers would have a detrimental impact on the residential amenity of the other dwellings in the area contrary to D DM1 and QE SP1 of the Arun Local Plan.

- No parking provision with the property. Increased occupancy would contribute to the generation of excessive parking demands causing harm to the amenity of the area contrary to policy H SP4 (b) of the Arun Local Plan.

- The HMO by reason of the inadequate size of the bathrooms would not provide a sufficient standard of amenity for residents in conflict with policy H SP4 (c) of the Arun Local Plan and the Arun Design Guide.

- Would result in overdevelopment of the site through the intensification of use which would result in the inability of the site to accommodate a sufficient provision of communal recycling bins and safe bin storage areas and secure and covered cycle storage facilities for the prospective occupiers, contrary to policies H SP4, T SP1 and WM DM1 of the Arun Local Plan, Design Guide and the NPPF.

No representations received from nearby occupiers.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. There is no objection from WSCC Highways regarding parking. Policy H SP4 (c) relates to open space not bathroom sizes.

### **CONSULTATIONS**

#### **CONSULTATION RESPONSES RECEIVED:**

##### **WSCC HIGHWAYS:**

No objection. Conclude the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

##### **NATURAL ENGLAND:**

Further information required.

##### **ADC PRIVATE SECTOR HOUSING AND PUBLIC HEALTH:**

Comments relating to legislative and policy requirements for HMOs.

##### **ADC ENVIRONMENTAL HEALTH:**

No objection.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. ADC Private Sector Housing and Public Health have raised concern regarding inadequate sized bathrooms, which has been referenced by Bognor Regis Town Council in their objection. There are no minimum space standards required within planning legislation for bathrooms to be a certain size. Any concerns with bathroom sizes are a matter for ADC Environmental Health, in meeting the requirements and regulations for HMO licensing.

### **POLICY CONTEXT**

Built Up Area Boundary  
Pagham Harbour Zone B

Article 4 Direction Restricting HMOs  
2km Buffer for Site of Special Scientific Interest  
CIL Charging Zone 4

## DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### SUPPLEMENTARY POLICY GUIDANCE:

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

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, 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 will have no adverse harm on visual, residential or highway amenity, character, or biodiversity.

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.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan.

Paragraph 11(c) states that development that accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal is in the Built Up Area Boundary and will be determined under an active adopted Local Plan, in accordance with ALP policy SD SP2.

The proposal is broadly acceptable in principle given its siting in a sustainable location in the Built-Up Area Boundary, in walking distance of a range of shops, facilities and services. The proposals would accord with the ALP policies SD SP2 and SD SP1 and the NPPF.

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

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

On 18 January 2023, Arun District Council confirmed a non-immediate Article 4 Direction to remove permitted development rights for the change of use from a dwellinghouse (C3) to a house in multiple occupancy (C4). This came in to force on 19 January 2023.

This means that a planning application is required to change the use of a dwelling house (use class C3) 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 Article 4 direction is in wards where existing or future high concentrations of HMOs are considered 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.

The general principle of the additional number of residents is acceptable.

##### **IMPACT ON CHARACTER OF AREA**

Policy H SP4 requires that HMOs (a) Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing. The supporting text (para

12.5.1) states 'In providing for the housing needs for Arun, it is important to ensure that mixed and balanced communities are developed so that situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing, are avoided.'

The site is to the west of Bognor Regis town centre, on the outskirts of the wider retail and service centre of the high street and surrounding areas. The immediate area, whilst predominantly residential, contains a mix of commercial, retail and transportation uses. It is a high density area, with a number of smaller residential units (partly created as a result of subdividing buildings).

While the contribution that HMOs can make to the housing stock is appreciated and of value, it is recognised by policy H SP4 and its preamble that existing communities can become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing. Examination of the HMO register reveals that within 150m of the property, 14 properties have mandatory HMO licences (including No. 10 Cavendish Road, which has an established use as an HMO). These HMOs are located as follows:

- 4 in Southdown Road
- 3 in Cavendish Road
- 5 in Argyle Road
- 2 in Bassett Road

The concentration of HMOs within 150m is of some significance. Appropriate weight must be given to the fact that this property is currently in use as an 8 bed HMO. The application would slightly increase the number of bedrooms provided by 3 new occupants, and would not result in the creation of a new HMO. The impact on the character of the locality would be negligible, given there would be no change in the balance of different types of housing in this locality. The increase in occupancy poses a sustainable use of an existing property, without any erosion to the housing stock within the locality. The proposed is in keeping with the varied and diverse character of the area.

The proposal does not include any external works to the property, and therefore there will be no change to the appearance of the building, and no impact to visual amenity. The additional residents can be accommodated due to recently approved additions to the property.

The proposal will not result in adverse harm to the character of the area, nor an imbalance of uses by the narrowing of household types, in compliance with criterion (a) of H SP4, and D DM1 of the Arun Local Plan.

## RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development. Supporting text (para. 12.5.2) to HMO policy H SP4 states that 'A large concentration of housing in multiple occupation (HMOs) can have a significant and potentially damaging impact on the amenity of a local area' and that (para.12.5.4) 'Many properties are capable of accommodating a modest increase in occupancy.' It goes on to say 'increased occupancy may well give rise to noise and disturbance'.

The application would result in a minor increase in occupancy. The change would see the addition of 3 additional rooms to an existing 8 bed HMO, totalling a maximum of 11 occupiers. Whilst the increase in occupancy may result in the nature of the noise produced by the property differing due to more individual

movements, any resultant noise pollution would not be adversely harmful. The use would still be residential in character, and operate as the property has for a significant number of years, retaining its similar characteristics to other residential properties in the locality.

There are no external changes proposed. Internal changes which would result in any new overlooking impacts.

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, QE SP1 and QE DM1 of the Arun Local Plan, and the NPPF.

## **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".

The Technical Housing Standards (Nationally Described Space Standard) does not provide standards for HMO's. Regard should be had to Arun's Environmental Health Private Housing Standards. The standards reference the following documents: "LACORS Promoting Quality Regulation" (LGA) 2009 and "Chichester and Arun Landlord Accreditation Scheme Standards" 2013.

The Chichester and Arun Landlord Accreditation Scheme Standards 2013 include requirements such as number of bathrooms / toilets, number of electric sockets per room, kitchen facilities, heating, waste disposal, energy efficiency and windows. These would all need to be adhered to in order to receive an HMO licence from the Council.

The Private Sector Housing Officer did not object but provided general advice in respect of fire safety, ventilation and legislation requirements. The proposal provides accommodation that meets specified room requirements.

The proposal is acceptable in terms of internal space standards and minimum room sizes.

## **PROVISION OF OPEN SPACE**

Policy H SP4 requires provision of adequate areas of open spaces. Whilst this policy does not state a minimum area that HMOs should provide, Part H of the Arun Design Guide provides a guideline that communal shared spaces, such as shared external amenity space, should be at minimum 40sqm, plus 10sqm for each unit (a total of 110sqm). This would mean the minimum space provided would need to be 150sqm.

Part H of the Arun Design Guide states that amenity spaces should be of an appropriate size and shape to be useable and enjoyable.

No. 10 Cavendish Road has a relatively large garden, providing approximately 170sqm of private amenity space to the rear of the property. This exceeds the 150sqm required under Part H of the Arun Design Guide, and as such is sufficient for meeting the requirements of H SP4 (c) of the ALP.

The proposal is served by sufficient private external amenity space provision for the 11 units, and is in accordance with ALP policy H SP4(c) and the Arun Design Guide.

## **WASTE STORAGE PROVISION**

The supporting text (para. 12.5.5) to HMO policy H SP4 states that '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 WM DM1 of the Arun Local Plan requires kerbside collection is possible for municipal waste vehicles and where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats.

It is shown from the plans that the bin storage is proposed to be kept within the site, to the front of the property. This is acceptable, and in accord with WM DM1 of the Arun Local Plan.

## **BIODIVERSITY**

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

The proposal includes little details of BNG and enhancement measures, other than reference to a condition requiring the installation of a bird box under BR/101/24/PL (permission for a rear extension).

Biodiversity Net Gain for small sites came in on the 2 April 2024, requiring all sites provide 10% BNG on or off site, unless exempt. Whilst this requirement is active, 10% is not required for this application as there is no onsite habitat which will be affected, and the site is subject to de minimis exemption. The lack of ecological enhancement does not warrant refusal, given the garden has low ecological value at present and this will be unchanged. The application is in accordance with ENV DM5 of the ALP.

## **ACCESS MANAGEMENT CONTRIBUTION**

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 current rate is £950 per dwelling.

The site lies in Zone B and the proposal results in a net increase of 1 new unit. Every 3 beds of an HMO are considered as 1 dwelling; and as there were already 3 units existing on the site, there will only be an increase of 1 dwelling, which will equal £950.

This has been secured by a s106 agreement and there will be no conflict with policy ENV DM2. The contribution fee of £950 has been paid.

On this basis the proposal is in accord with ALP policy ENV DM2.

## **HIGHWAYS, TRAFFIC AND PARKING**

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network.

Policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. HMO policy H SP4 requires that HMOs (b) Do not contribute to the generation of excessive parking demands or traffic in an area.

Policy QE SP1 states the Council require all development to contribute 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.

WSSC Parking Standards Guidance (September 2020) expects the provision of 0.5 car parking spaces per bedroom and 1 cycle parking space per unit for HMO developments. ADC Parking SPD (2020) does not specify car or cycle parking standards for HMO's, but for new residential development expects 2 car parking spaces for 4 bedroom + houses (in Parking Behaviour Zone 4) and 1 cycle parking space per unit for 1 bed flats/houses. The Council considers that 3 beds in an HMO equals 1 housing unit (i.e. dwelling). The additional 3 people create a need for 1.5 parking spaces, and a cycle parking space.

The proposal includes nil parking provision, but does include cycle storage. Whilst parking is required as per H SP4 (b), the location of the proposal, and accessibility to transport infrastructure must be weighed against the lack of parking. The site has been in use as an 8 bed HMO for over 10 years, and during this time no on-site parking has been provided. It is located on the outskirts of Bognor Regis town centre, and as such is in a highly accessible locations, being less than a 10 minute walk from the railway station, and approximately 3 minutes from the nearest bus stop. There are no on-street parking restrictions on Cavendish Road and neighbouring roads, though this is on the boundary with the Controlled Parking Zone to the east. Given the high accessibility of the area and history of the site operating with no issue as an 8 bed HMO, the lack of car parking is not a disadvantage, with a range of alternative transport options available to local facilities, and further afield. As the proposal provides a sustainable use of a property in close proximity to the town centre and multiple options for parking or public transport, refusal on the basis of the lack of parking is unjustifiable, as sufficient alternative provision is available.

A condition has been applied securing the proposed secure and covered cycle parking spaces in the rear garden, to enable additional transport options for occupiers.

The application is in accord with T SP1, T DM1, QE SP1 and H SP4 (b) of the Arun Local Plan.

## SUMMARY

The development would make a positive contribution to the District's housing need and is in accordance with the development plan, with no material considerations suggesting that permission should be withheld. As such, it is recommended for approval subject to the following conditions and informatives.

### **HUMAN RIGHTS ACT**

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

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



## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

## SECTION 106 DETAILS

A s106 Unilateral Undertaking has been completed (21/11/2024), and requires the undertaker to pay £950 for the purpose of delivering mitigatory actions at Pagham Harbour. This contribution has been received.

## RECOMMENDATION

APPROVE CONDITIONALLY

- 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 Plan

Block Plan

Proposed Plan PG.9011.24.02 Rev E

Proposed Site Plan and Bike Store Plan - PG.9011 24 03

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

- 3 The dwelling shall accommodate a cumulative maximum of 11 people residing on site at any one time.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 4 Covered and secure cycle parking spaces shall be provided in accordance with plans and details hereby approved (Proposed Site Plan and Bike Store Plan PG.9011 24 03) prior to the additional 3 residents taking occupation. The spaces so provided shall be retained in perpetuity.

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

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

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than 5m in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 6      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.
- 7      INFORMATIVE: This decision has been granted in conjunction with a s106 legal agreement relating to a contribution of £950 for the mitigation of the Pagham Harbour Special Protection Area.

<b>BACKGROUND PAPERS</b>
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[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/180/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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