

PLANNING APPLICATION REPORT

**REF NO:** BR/6/24/PL

**LOCATION:** 1 Argyle Road  
Bognor Regis  
PO21 1DY

**PROPOSAL:** Conversion of an existing 2 storey, 4 bedroom end of terrace house into 2 No. 2 bedroom flats. This application is CIL Zone 4 ( zero rated) as other development.

**SITE AND SURROUNDINGS**

<b>DESCRIPTION OF APPLICATION</b>	This application seeks permission for the conversion of an existing 2 storey, 4 bedroom end of terrace house into 2 No. 2 bedroom self contained flats (use class C3).
<b>SITE CHARACTERISTICS</b>	Two storey residential end of terrace dwelling house.
<b>CHARACTER OF LOCALITY</b>	The character of the locality is predominantly residential, with a small number of ground floor commercial and retail units within the local vicinity. The Steyne Conservation Area is to the south of the site, and is a designated heritage asset of historical and architectural significance.

None of relevance to this application.

**REPRESENTATIONS**

Bognor Regis Town Council - Abstention:- The application is for a fellow Councillor, and the Council declared an ordinary interest.

No representations received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Regardless of the Town Council's decision, this application needs to be determined at Planning Committee.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

**ADC ENVIRONMENTAL HEALTH (EH):**

No objection subject to a condition regarding construction hours.

**NATURAL ENGLAND (NE):**

No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.

**WSCC HIGHWAYS (LHA):**

Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 115), and that there are no transport grounds to resist the proposal.

#### COMMENTS ON CONSULTATION RESPONSES:

Noted. ADC's EH condition is applied. NE's comments will be secured by a s106 contribution.

#### POLICY CONTEXT

Built Up Area Boundary  
Pagham Harbour Zone B  
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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
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
WDM3	W DM3 Sustainable Urban Drainage Systems
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 would not result in adverse harm to visual or residential amenity.

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

The proposal to subdivide the property would provide one additional residential unit to the Council's housing supply figure. 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 in a sustainable location where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan, provided it accords with other policies. These will be assessed in relation to the sections outlined below.

Bognor Regis has a 'made' Neighbourhood Development Plan, however no policies are directly relevant to this application. The Arun Design Guide and Arun Parking Standards SPD are pertinent to this application.

NPPF para 128 supports the effective and efficient use of land for sites in the built-up area but advises development should maintain an area's prevailing character and setting (including residential gardens) and secure well-designed, attractive, and healthy places. This is discussed below.

The property is in a sustainable location on the edge of the town centre. The development would provide two residential units within easy walking and cycling distance of a range of shops, facilities and services, including bus stops and a railway station. The proposal is acceptable in principle.

### DESIGN AND VISUAL AMENITY/CHARACTER

The proposal seeks the conversion and change of use of a single dwelling to 2 no. self-contained 2 bed flats. Whilst the proposal will include a number of internal works, there will be no significant external changes to the property. In terms of harm to design and visual amenity, the proposal will have no impact on the visual appearance of the property and is acceptable.

The works result in a change to the character of the property, in terms of it altering from a single dwelling to two flats, but would not have a significant impact on the area and will be a negligible change. Almost all properties in the immediate vicinity are either dwelling houses or flats. The conversion of a dwelling into flats will not be out of keeping with the predominant character of the area and is appropriate in this location.

The works will have no demonstrably adverse harm in terms of visual amenity and will preserve the character of the area. This is in accord with D DM1 of the Arun Local Plan and the Arun Design Guide.

## 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 to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

Paragraph 135(f) of the NPPF requires that decisions should ensure that developments 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 users.

There will be no change to the scale, massing, or footprint of the property, and no change in any overbearing or overshadowing experienced by neighbouring properties. The only impact to residential amenity posed by the proposal will be by way of overlooking from the new Flat 2 to the amenity space serving Flat 1. The conversion of the dwelling will result in the garden and patio space on the ground floor being sectioned as part of Flat 1. Flat 2 will be provided with a first floor balcony as external amenity space. The location of this balcony is to the south of the garden and patio space and, due to its positioning, opens up the possibility of overlooking from the balcony down into the amenity space of Flat 1. This issue has been addressed with the agent, and a condition has been applied requiring an obscure screen at a minimum of 1.7m high to be installed to the northern boundary of this balcony to reduce any overlooking and protect residential privacy and amenity.

The change results in two sets of separate residents in the property. Whilst this could result in slightly more noise/activity the impacts would be comparable to that from the existing use. There will be no demonstrable harm to the quality of the environment for those living nearby.

The development will not be unduly harmful to residential amenity and accords with D DM1 and QE SP1 of the Arun Local Plan, and Arun Design Guide.

## INTERNAL AND EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. The Nationally Described Space Standards require 2 bed, 3 bed space (2b3p) apartments to have a gross internal floor area of 61m<sup>2</sup>, and 2b4p to have 70m<sup>2</sup>. Single bedrooms require 7.5m<sup>2</sup> of floor area, and double bedrooms require 11.5m<sup>2</sup>. The minimum floor to ceiling height is 2.3m.

Flat 1 provides a gross internal area of approximately 66m<sup>2</sup>. This exceeds the minimum requirement for a 2 bed flat. Bedroom 1 provides an internal floor area of approximately 13m<sup>2</sup>. This is acceptable for 2 people. Bedroom 2 provides an internal floor area of approximately 8.4m<sup>2</sup>, and is only acceptable as a single bedroom for 1 person. In terms of compliance with Nationally Described Space Standards and D DM2, this flat is acceptable.

Flat 2 provides a gross internal area of approximately 70m<sup>2</sup>. This exceeds the minimum requirement for a 2 bed flat. Bedroom 1 provides an internal floor area of approximately 19m<sup>2</sup>. This is acceptable for 2 people. Bedroom 2 provides an internal floor area of approximately 9.5m<sup>2</sup>, and is only acceptable as a single bedroom for 1 person. In terms of compliance with Nationally Described Space Standards and D DM2, this flat is acceptable.

The Arun Design Guide sets out standards for garden sizes. It is preferable for each flat to have its own private external amenity space. In this case an external patio and garden space will be provided to Flat 1, and a balcony to Flat 2. These amenity spaces, whilst fairly small, will provide a useable, private external area for the occupiers of each flat. The property is within 65m of Steyne Gardens, and 120m of Waterloo Square, both providing green public spaces in easy walking distance. The property is fairly close to other public spaces, such as the Promenade. This provides another option for external amenity space. A variety of external amenity spaces, both public and private would be available to the occupiers of both flats, which is in accord with the Arun Design Guide.

### BIN AND CYCLE STORAGE

Policy T SP1 of the Arun Local Plan requires the Council to ensure that developments promote sustainable transport including the use of bicycles. No details have been provided by way of cycle storage. As per the Arun Parking SPD, 1 parking space per flat is required. A condition requiring the submission of cycle provision and secure storage details to the Local Planning Authority is recommended.

From the information submitted it is understood that waste storage and collection will remain as existing, using the small frontage area between the front elevation and footpath adjacent to Argyle Road. Given the number of occupiers of the flats will be comparable to that in the existing dwelling, amendments to current waste arrangements will not be required. This is in accord with WM DM1 of the Arun Local Plan.

### HIGHWAYS, TRANSPORT AND PARKING

Arun Local Plan Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian, and bridleway network.

Arun District Council adopted a Parking Standards SPD (Jan 2020). Principle 1 2.12 stresses 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. Principle 2.13 advises: '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.'

Zero car parking is proposed. The Arun SPD requires two parking spaces be provided. There is some on street parking in the locality, however this is limited. WSCC Highways raised no objection. The proposal is sustainably located, in walking/cycling distance of local service, amenities, and public transport connections. Should the residents require a car for commuting or further journeys there is enough on-street parking provision in the locality to allow for one or two more cars in the area, without significant impact on the highway network or its safety. This is acceptable, and in accord with T SP1 of the ALP.

### HERITAGE ASSET

The proposal is on the boundary of The Steyne Conservation Area. Given no external changes are proposed which would affect the visual amenity or significance of the setting of this conservation area,

the proposal will have no impact on heritage assets in the locality.

#### **DRAINAGE and FLOOD RISK**

The proposal falls in Flood Zone 1 (lowest flood risk). As the proposal concerns an existing building, the existing systems regarding surface water and foul water will be retained. Given there will be a minor change in the number of occupiers within the property, the retention of the existing systems will be sufficient and acceptable for sustained use by around 6 occupiers. The proposal is in accordance with W DM3 of the Arun Local Plan.

#### **CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION**

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. Whilst there are no decentralised, renewable, and low carbon energy supply systems proposed, the proposal concerns only internal works to an existing property. As such, it would be unreasonable to refuse on the grounds of non-compliance with ECC SP2.

#### **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. A contribution of £938 per net new unit is required. This will be secured through a Section 106 legal agreement.

#### **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. Whilst it is required Biodiversity Net Gain be sought, the 10% requirement has not yet been implemented for small sites such as this. No details of biodiversity net gain, nor any ecological assessments have been provided and an appropriately-worded condition to secure this is, therefore, recommended.

#### **SUMMARY**

The development is in accordance with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

<b>HUMAN RIGHTS ACT</b>
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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 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 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 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 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. This is dated 23/01/2024, and requires the undertaker to pay £938 for the purpose of delivering mitigatory actions at Pagham Harbour.

**CIL DETAILS**

This application is not CIL liable.

**RECOMMENDATION**

APPROVE WITH 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 plans 14121.01
- Proposed ground floor plan 14121.04
- Proposed first floor plan 14121.05
- Proposed East (rear) elevations 141121.06

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 Prior to the first occupation of Flat 2, hereby permitted, a privacy screen shall be installed along the northern extent of the balcony at a minimum height of 1.7m above the floor level of said balcony. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of Flat 1 in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

5 No part of the development shall be occupied until full details of the placement of two suitable bird boxes have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation and thereafter retained.

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

6 No part of the development shall be occupied until covered and secure cycle parking spaces have been provided to serve the two flats. The spaces shall, thereafter, 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.

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:** To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>

9 **INFORMATIVE:** This decision has been granted with a Section 106 legal agreement relating to a contribution £938 for the mitigation of the Pagham Harbour Special Protection Area.

## **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/6/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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