

Recommendation Report for Planning Permission

REF NO: AW/104/21/PL

LOCATION: 97 Aldwick Road
Aldwick
PO21 2NY

PROPOSAL: Single storey rear extension, loft conversion, alterations to fenestration, and part change of use to cafe on ground floor and office on first floor level. This application is in CIL Zone 4 (Zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks permission for a part change of ground floor from the shop to cafe at the ground floor and office on the first floor level, single storey flat roofed rear extension and loft conversion with an insertion of flat roofed dormer to the rear plane of roof and two roof-lights to the front and alteration to the existing fenestration. The number of bedrooms would be unchanged with 5 bedrooms at the first, second floor level and within an attic.
	Advertisement boards are subject to a separate application.
SITE AREA	110 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Close boarded panel timber fence with concrete posts to the rear and on both sides.
SITE CHARACTERISTICS	Three storey brick end terrace with hipped roof with a shallow two storey rear projection and external stairs and small garden to the rear. The proposal property is a part of commercial premises to the north on the junction with Aldwick Road at the ground floor with residential and offices above.
CHARACTER OF LOCALITY	Predominantly residential to the west with multiple residential unit development such as nursing homes, HMOs and flats along Aldwick Road and Nyewood Lane. Shopping parade to the east.

RELEVANT SITE HISTORY

AW/105/21/A	3 No. fascia boards to front elevation with shrouded lighting.
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There is no relevant planning history of the site. The ground floor was used by opticians with offices and bedrooms above.

REPRESENTATIONS

Aldwick Parish Council: No objection.

No objection letters received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

SUPPLEMENTARY POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

There is currently no Aldwick Neighbourhood Development Plan.

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 is considered to comply with relevant Development Plan policies as that the proposal would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact upon the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that 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 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as the change of use, residential amenity and parking.

The site is in a sustainable location within easy walking & cycling distance of town centre with a range of shops, facilities and services including bus stops and the railway station. There is a shopping parade to the east of the proposal site and bus services along Aldwick Road.

CHANGE OF USE:

The proposal is for a change of use of the part ground floor of No 97 Aldwick Road from shop E(a) to E(c) use as a cafe. The proposal involves minor external changes (new fascia sign on a frontage subject to separate application), new fenestration replacing entrance door and windows with a large glazed area with a pair of sliding doors and side French windows. Two entrance doors on the both sides would serve room to the office, reception and flat above. The functional room is proposed within single storey rear extension which would have an irregular shape (following the shape of the site), would be approximately

7m deep on the western side and 3.5m on the eastern with an escape stairs, bins and bicycle storages to the rear. There would be an office, reception and one bedroom at the first floor, kitchen, living room and two bedrooms at the second floor level and two bedrooms within converted roof area. The number of bedrooms would be unchanged (5). The office and reception would be accessible via entrance door on the right side with a separate internal stairs and there is an entrance door and stairs on the left hand side of the front elevation. The applicant confirmed that no cooking is proposed for this site.

Paragraph 118 (d) of the National Planning Policy Framework (NPPF) states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...". In addition, paragraph 85 states that: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

Arun Local Plan policy RET DM1 section 2 is relevant and states that:

Along the primary or secondary shopping frontages, as defined on the Policies Map, proposal for Food and drink premises will be permitted provided that:

- (a) The proposal would not create a concentration of non residential uses to the detriment of the vitality of the town centre;
- (b) Provision is made for a window display, appropriate to a shop front, which is in keeping with the character of the shopping area; and
- (c) There is no detrimental effect on the character or amenities of the area through smell, litter or noise.

It is considered that the proposal complies with policy RET DM1 of the Arun Local Plan since the proposed use would provide the valuable services to the local and visitors. In addition the proposed fenestration would be in keeping with those along the terrace and the character of the surrounding area. The Cafe as proposed would not have a detrimental effect on the amenities due to the nature of the use and the nature of the area.

DESIGN AND CHARACTER

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects of design. Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details."

The Arun Design Guide Supplementary Planning Document (SPD) adopted on 25th January 2021 is a material consideration in the determination of applications. Part M which deals with Extensions requires the scale, massing and positioning of extensions should be visually subservient to the existing property in order to ensure that the latter remains the dominant form; privacy can be maintained by locating and designing windows to prevent overlooking. Extensions should preserve the amenity of the original and neighbouring properties in terms of privacy and overshadowing.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (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)."

The proposed single storey rear extension would cover the majority of the existing rear yard, would be flat roofed with two roof-lights and one door proposed to the rear. The proposed walls would be finished in brickwork and render, the roof would be covered with bitumen felt. The front fenestration would be

aluminium framed fully glazed with composite doors on the sides. A new flat roofed dormer to the rear roof plane of the main building with cheeks Cedar clad and 2 roof-lights to the front would be inserted. The proposed extensions would be subservient to the host building and being to the rear of the property also means that it will not be visible in the street-scene. Therefore it is not considered to compromise the spatial character of the area.

The extension would not be harmful to the character or appearance of the area and as such is not considered to conflict with the relevant parts of policies D SP1, D DM1 and D DM4 of the Arun Local Plan and paragraphs 127 and 131 of the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (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." Policy QE SP1 states: "The Council 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." Policy QE DM1 seeks to protect against the impacts of new noise generating development.

Para 123(c) of the NPPF makes it clear that where there is a 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 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. This presumption is caveated on the basis that the resulting scheme would provide acceptable living standards.

The proposal seeks the conversion of a store floor space at ground floor to the front of 97 Aldwick Road. This conversion would be encompassed in the confines of building and would not result in any impacts upon neighbouring amenity.

The proposed rear extension would not have any significant impact on the amenity of neighbouring properties due to its nature. The proposed dormer window would not cause any unacceptable overlooking since the proposal property is positioned more to the front and the property at No99 has been extended to the rear at the both levels and there is a block of existing garages to the rear behind the terrace.

Whilst the proposal is for the same use class as existing it is considered that the proposed use as a cafe with cooking facilities would have a larger impact on surrounding residential area than that an existing shop in premises. Restricting hours and details of kitchen ventilation extraction system, together with noise (if any) produced by the ventilation system, will be secured by condition. In addition, the applicant confirmed the operational trading hours which are from 10am to 10pm from Monday to Saturday.

Taking the above into account, the proposed ground floor extension and roof conversion would not result in a loss of sunlight, privacy and outlook of residents of neighbouring properties and their living conditions therefore they would comply with policies D SP1, D DM1, D DM4 and QE SP1 of the Local Plan and paragraph 123 of the NPPF(2019).

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "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". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The proposed flat would have an internal space area of approximately 116 sqm (5b, 6p) what would satisfy the minimal requirements set out in the Governments Technical Housing Standards (Nationally Described Space Standard).

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

No external amenity space is provided, however 5 bedrooms are already within the proposal property and there is an easy access to public open spaces like Marine Park Gardens and West Park in a distance of 100m and 480m respectively. The sea shore is approximately 150m away.

On the basis of the above, the development is in a general conformity with policies D DM2 of the Local Plan.

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 SP1(f)(iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles.

The Arun Parking Standards 2020 at Table 3.1 shows the Expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms.

Paragraph 108 of the NPPF states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 (NPPF) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

WSCC, the Highway has not been consulted, however there is no alteration to an existing vehicular access to or from the public highway proposed and there are exiting 4 parking spaces which will retain. Therefore it is considered the proposal is in a general conformity with Policy T SP1 of the Local Plan.

SUMMARY:

The proposed conversion and alteration of ground floor of No97 Aldwick Road is an appropriate form within surrounding area contributing to its vitality and economic activity on this part of Bognor Regis and the alteration to the roof wood improve the living condition of the prospective residents. Its impact upon the locality and residential amenity is considered to be minimal with no harm to highway safety. It is therefore recommended for approval subject to the following conditions.

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 Pagham Harbour contribution would not be appropriate; there is no increase in residential units.

CIL DETAILS

This application is in CIL Zone 4 (Zero rated) as other development.

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:

Dwg No D.1091-01, Location and Block Plan;
Dwg No D.1091-07, Proposed Roof Plan and Attic Space;
Dwg No D.1091-09, Proposed West and East Elevation;
Dwg No D.1091-08 Proposed North and South Elevation;
Dwg No D.1091-06 Rev A, Proposed Ground, first and Second Floor Plan.

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 materials and finishes of the external walls and roof and dormer of the extensions hereby permitted shall match in colour and texture those of the existing building.
- Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 4 The bin store as shown on the approved plans should be available prior to use of property hereby permitted and occupation of the flat. This space shall thereafter be retained at all times for their designated purpose.
- Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.
- 5 No part of the development shall be first occupied until the plans and details of covered and secure cycle parking spaces have been submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.
- Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.
- 6 The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed by a competent engineer before the use hereby permitted commences and thereafter shall be retained maintained in accordance with the manufacturer's instructions.
- G:Foodventilation infoEMAQ 2018 Kitchen Guidance Summary .docx
- Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan 2011 - 2031
- 7 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.
- Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan
- 8 No plant or equipment, including the kitchen ventilation and extraction system, shall be operated on the premises except between the operational trading hours of Monday to Saturday from 10am to 10pm.
- G:Foodventilation infoEMAQ 2018 Kitchen Guidance Summary .docx
- Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan 2011 - 2031.
- 9 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.
- Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan
- 10 INFORMATIVE: INFORMATIVE: The business is required to submit a 'Food Registration Form' to the Environmental Health department 28

days before opening. Further advice can be given to the business, for example, on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service on (01903) 737755

[www1.arun.gov.uk/officeforms/EH_FoodBusinessApplication.ofml?id='+Math.random\(\)](http://www1.arun.gov.uk/officeforms/EH_FoodBusinessApplication.ofml?id='+Math.random())

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.