

Recommendation Report for Planning Permission

REF NO: AW/262/25/PL

LOCATION: Public Conveniences Marine Park Gardens
Marine Drive West
Aldwick
PO21 2QN

PROPOSAL: Change of use from public conveniences (Sui Generis) to commercial use (use class E). This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the building from public conveniences to a Class E use. Class E includes all commercial, business and service uses such as retail use, cafes, offices, medical / health services and a creche/day nursery. The change of use does not specify the intended use proposed.
TREES	There are trees in the vicinity although none are affected.
BOUNDARY TREATMENT	Hedging around the perimeter of the wider gardens.
SITE CHARACTERISTICS	The site is to the eastern end of Marine Park Gardens within 30m of the seafront. The building is a single storey detached public toilet block faced in cream render with white painted columns to front elevation (west) and a hipped clay tiled roof.
CHARACTER OF LOCALITY	Mixed in use consisting commercial units to the east and residential to the north with the sea to the south.

RELEVANT SITE HISTORY

AW/186/12/	Change of use from public convenience (Sui Generis) to a cafe/tea room with external seating (A3 Restaurants & Cafes)	ApproveConditionally 17-10-12
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AW/186/12 was approved for conversion to a cafe although was never implemented.

REPRESENTATIONS

Aldwick Parish Council - No objection.

1 letter of no objection

- There is a petition to reinstate public toilets in this area and permission should be conditional upon the toilets being available for use by the public.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The application seeks to change the use of the building. It does not propose to retain toilets for public use.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways (LHA) - Does not consider the proposal would have an unacceptable impact on highway safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Pagham Harbour Zone B
Erosion Risk Statement
Existing Open Space

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
WMDM1	WM DM1 Waste Management
ENVDM5	ENV DM5 Development and biodiversity
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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 is considered to comply with relevant Development Plan policies in that the change of use would not result in harm upon the character of the area nor upon residential amenity, parking or flood risk.

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

The application is not liable for BNG as it is below the de minimis threshold.

CONCLUSIONS

PRINCIPLE

The site is within the built-up area boundary where the principle of development is acceptable subject to compliance with policies in the development plan such as design, amenity and flood risk.

DESIGN AND VISUAL AMENITY

Arun Local Plan (ALP) policy D SP1 requires that development proposals 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. ALP policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include aspects such as appearance, impact, innovation, trees and public realm.

The building is single storey with a hipped roof and is modest in size. The building has previously been used as public toilets which have been closed since at least 2012 and re-use of the building is a positive. The change of use is limited in detail with regards to the specific future use.

The development does not seek any external changes apart from the addition of a detached bin store to the eastern elevation. The bin store would be a timber framed structure, 2.5m in width and 1.9m deep with a height of 1.5m. There are trees to this elevation and this would help provide some screening. The agent has confirmed no trees will be removed to accommodate this.

The building is to the eastern end of Marine Gardens and is highly visible, within a public garden, to the corner of Nyewood Lane and the seafront. On the basis that no extensions or alterations are proposed, the change of use would retain the appearance and character of the building and would not result in harm.

The proposal would not result in adverse harm upon the character of the area in accordance with ALP policies D SP1 and D DM1.

RESIDENTIAL AMENITY

ALP policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

No external alterations are proposed, and it would not give rise to overbearing or overlooking.

The information is limited with respect to the intended use. Class E is sought and this can include a variety of uses such as a cafe, office or nursery. This would have some additional impact on the area by way of coming and goings and additional noise, however, this would vary depending on the use. The site is some distance away from residential properties with the closest being flats directly to the north and east at Marine Park House approximately 30-35m away.

Due to the separation distance, with a road in-between the properties and given the nature of the area which features commercial properties with a restaurant directly to the east at the Waverly, it is unlikely that the change of use would result in significant harm on nearby amenity.

The proposal would not result in demonstrable harm in accordance with ALP policy D DM1(3).

PARKING/HIGHWAYS

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

The building is centrally located, within 30m of the seafront and walking distance of the town centre.

As no specific use within Class E has been proposed, it is difficult to estimate the parking demand. Arun Parking Standards typically require 1 space per 5sqm for a cafe and 1 space per 30sqm for a professional/business use. Regardless of its use, the site is not able to deliver any on-site parking provision due to its location in the public garden and none is provided.

There is on street parking in the immediate vicinity, albeit with a 2 hour restriction Monday to Friday. There is paid parking on the seafront.

Cycle provision should be provided and this could be accommodated in the existing covered area to the west of the site.

The site would not result in demonstrable harm to the highway or parking in the area and complies with ALP policy T SP1.

FLOOD RISK

ALP policy W DM2 refers to flood risk, the sequential/exception tests and mitigation measures.

The site is in an area subject to high probability of flood risk, being in National Flood Zones 2 and 3 (for

tidal flooding), and Future Flood Zone 3a (for current day). No changes are proposed to the footprint or external levels, except for a small addition of a detached bin store.

The vulnerability of the development cannot be confirmed as the use is unknown. Class E uses are typically less vulnerable although a nursery would be more vulnerable. A sequential test is not required for change of uses.

A Flood Risk Assessment (FRA) has been provided which details a flood and evacuation plan will be in place. If flooding is forecast, alerts are issued by the Environment Agency. As a result of the warnings systems in place, likely 24 hours before a flood risk event, this would enable time to ensure that the business is closed to prevent trips to the building where a flood event is likely. This details evacuation routes in place. It is noted that the gardens directly north and east, adjoining the building are outside of the flood risk areas and would provide safe refuge.

The development will not give rise to an increase in flood risk and is in compliance with ALP policy W DM2 and the NPPF.

SUMMARY

The proposal complies with relevant development plan policies and will bring an empty building into use which will have benefits for the local area. The application is recommended for approval subject to 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.

CIL DETAILS

This application is not CIL liable.

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:
- Site and Location Plan - 1459/02 Rev A
 - Proposed Floor and Elevation Plan - 1459/04 Rev A
 - Proposed Bin Store - 1459/03
- 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 bin store shall be constructed as per 'Proposed Bin Store - 1459/03' prior to first use of the building. This shall be retained in perpetuity.
- Reasons: In the interests of amenity and to ensure the site is well maintained in accordance with Arun Local Plan policy D DM1.
- 4 The development shall be carried out in accordance with the submitted Flood Risk Assessment (Ref: 14068 dated November 2025) and the mitigation measures it details:
- Flood Warning and Evacuation Plan.
- The mitigation measures shall be fully implemented prior to occupation.
- Reason: To reduce the risk of flooding to the proposed development and future occupants in compliance with Arun Local Plan policy W DM2.
- 5 Notwithstanding the provisions of any Town and Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to Class E.
- Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.
- 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 NPPF.