

Recommendation Report for Planning Permission

REF NO: BR/187/24/PL

LOCATION: 47 Aldwick Road
Bognor Regis
PO21 2NJ

PROPOSAL: Conversion & Change of Use of Single Storey Former Printers Workshop to Form 2-Bed Dwelling with Cycle Parking & Refuse Storage Facilities. This application is in CIL zone 4 and is CIL liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	340 sqm.
SITE CHARACTERISTICS	Three storey property comprising a mix of vacant commercial and residential use. The ground floor was previously used as a printers workshop (to the rear), vacant as of 17th December 2007, and estate agents (to the front), vacant as of January 2024.
CHARACTER OF LOCALITY	The property is a locally listed heritage asset of architectural and historical importance. Local shopping / service centre. Mixed character comprising retail, commercial and residential uses. Part of a row abutting either side of Aldwick Road of properties comprising commercial / retail units at ground floor, with residential accommodation above at first and second floor.

None.

REPRESENTATIONS

Bognor Regis Town Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC ENVIRONMENTAL HEALTH:
No objection subject to conditions.

ADC ECOLOGY:

No objection subject to condition.

WSCC HIGHWAYS:

No objection subject to condition.

NATURAL ENGLAND:

Advise the undertaking of an appropriate assessment to assess recreational pressure impacts to European Sites.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and requested conditions applied below. An AA has been undertaken, in which it was concluded there would be recreational disturbance; therefore, a S106 contribution for Access Management of Pagham Harbour is required. This has been secured, with a payment to be made on commencement to the Council.

POLICY CONTEXT

Built Up Area Boundary
Pagham Harbour Zone B
Locally Listed building
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
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
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
TDM1	T DM1 Sustainable Travel and Public Rights of Way
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 is considered to comply with relevant Development Plan policies in that the change of use would not result in adverse harm to residential or visual amenity, character, heritage, biodiversity, or highways.

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 as set out in Arun Local Plan (ALP). The proposal is acceptable in principle subject to compliance with other policy considerations.

The key Development Plan policies relevant to this application are D DM1, D DM2, D DM4, D SP1, ECC SP2, ENV DM2, ENV DM5, HER DM2, HER SP1, QE SP1, QE D1, SD SP1, SD SP2, T SP1, T DM1, and WM DM1 of the Arun Local Plan. The Arun Parking Standards SPD is of relevance to this

application, and the Arun Design Guide.

Bognor Regis has a 'made' Neighbourhood Development Plan (BRNDP), of which Policy 1 (Delivery of the Vision) is relevant.

Policy SD SP1 of the Arun Local Plan advocates that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrated and new development should have a minimal impact to users and occupiers of nearby properties and land.

The NPPF (paragraph 129) supports the effective and efficient use of land for sites in the built-up area but advises new development should maintain an area's prevailing character and setting (including residential gardens) and secure well-designed, attractive, and healthy places.

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal falls within the Built Up Area Boundary and will be determined under an active adopted local plan.

The principle of development in this case is acceptable, in that it would see the conversion of an existing site to an additional C3 dwelling within a sustainable location.

VISUAL AMENITY AND CHARACTER

The proposal seeks the conversion and change of use of the rear part of a building, previously used as a workshop to 1 no. self-contained 2 bed flat. Whilst the proposal will include a number of internal works, there will be no significant external changes to the property, other than minor changes to openings. In terms of harm to design and visual amenity, the proposal will have minor impact on the visual appearance of the property and is acceptable.

All changes will be to the rear of the property, and not visible from the public realm. As such, there will be no harm to the visual amenity of the area.

The works result in a change to the character of the property, in terms of it altering from a vacant workshop to a single flat, but would not have a significant impact on the area and will be a negligible change. Almost all properties in the immediate vicinity comprise either dwelling houses or flats. The conversion of a vacant workshop into a flat 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 and D DM4 of the Arun Local Plan and the Arun Design Guide.

RESIDENTIAL AMENITY

Policy D DM1(3) requires the consideration of impacts of neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance. D DM4(c) states that alterations should not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Policy QE SP1 requires that all development contributes positively to the quality of the environment and ensures that development does not have a significantly negative impact upon residential amenity. QE

DM1 concerns noise pollution, and seeks to ensure that noise exposure arising from development does not unduly impact quality of life.

Environmental Health do not object, however have requested a condition securing details of a scheme to protect the proposed dwelling and other noise sensitive uses from external noise. This is necessary and reasonable for ensuring protection of the quality of the environment for future occupiers of the property, and subsequently has been secured below.

In this instance, the development poses two elements of harm to residential amenity: overlooking, and noise pollution / disturbance. In terms of overlooking, this is primarily in regard to the neighbouring property to the south (Nos. 1-9 Hilary House). The northern facing elevation of this building comprises a ground floor window and door, and first floor window, which will all be in close proximity to the rear elevation of the proposed flat. A patio door is proposed within 8m of these existing openings, which will provide visibility between properties. However, a review of the floor plans for Hilary House has identified that the openings all serve the access hallways between flats, and do not provide light or views into habitable rooms. As such, the proposed patio doors would not overlook any amenity spaces of neighbouring occupiers. Equally, whilst the windows and doors of Hilary House will have visibility into the living area of the proposed flat, this will be incidental, and will not be detrimental to the amenity of future occupiers.

In regard to noise pollution, there will be an increase due to a vacant space being occupied by up to 4 residents. Whilst this may result in some disturbance which currently does not exist, resultant of occupiers coming and going from the property and using the external amenity spaces, this noise and disturbance would not be adverse. The property is situated in an area of mixed character, comprising retail / commercial units and large numbers of residential properties, alongside a classified B road. The area is subsequently subject to higher noise levels and disturbance than other predominantly residential areas; and therefore the introduction of 4 additional occupiers in this location would subsequently have negligible impact on the existing noise levels in the locality.

The development will not be unduly harmful to residential amenity and accords with D DM1, D DM4, QE DM1 and QE SP1 of the Arun Local Plan, and Arun Design Guide.

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. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards.

The proposed flat comprises 80 sqm of gross internal floor space, with bedroom 1 comprising 23 sqm, and bedroom 2 12 sqm. The Nationally Described Space Standards requires 2 bed, 3 person single storey dwellings to have a GIA of 61 sqm. The proposal exceeds this minimum requirement, and provides sufficient space for up to 4 occupiers. Both bedrooms exceed the minimum 11.5 sqm needed to provide two bedspaces, and as such the development is in accord with Policy D DM2 of the ALP.

The ADG includes guidance and criteria on several relevant matters including distances between dwellings, gardens, defensible space, and sunlight & daylight levels. Paragraph H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The proposal comprises a garden space with a maximum depth of 12.8m. This exceeds the 10.5m minimum requirement, and provides sufficient private external amenity space for the occupiers.

The proposal is in accord with D DM2 of the ALP and the Arun Design Guide.

HIGHWAYS, PARKING AND ACCESS

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.

Arun has adopted a Parking Standards SPD (Jan 2020) (APS). 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.'

The APS requires that 2 bedroom dwellings in Parking Behaviour Zone 4 provides a minimum of 1 parking space, and 1 cycle parking space. Zero car parking is proposed. 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.

Details of secure and covered cycle storage for one bicycle in the rear garden have been provided with the application. This is acceptable, and meets the requirements of the APS. This cycle store has been secured via a condition below.

Whilst no parking is proposed by the development, the works will not result in adverse harm to highway safety or amenity, and are acceptable. This is in accord with T SP1 and T DM1 of the ALP and the APS.

HERITAGE ASSETS

The proposal concerns works to a locally listed building, within a terrace of other locally listed buildings. The nature of the property and its surroundings are therefore of architectural and historic value.

Policy HER DM2 concerns Locally Listed Buildings, seeking to preserve and enhance their presence within the historic environment. Whilst this policy primarily concerns works directly to the buildings, the impact to their context should also be material. 'Proposals for the alteration or extension of buildings on the Local List will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest. The Local Planning Authority will seek to preserve features of such buildings which contribute to that interest.'

Policy 1 of the BRNDP concerns 'Delivery of the Vision', which requires any proposals concerning alterations to non-designated heritage assets to identify and protect the significance of the building.

The NPPF (2024) states that "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." (para 216).

The works concern the conversion of the rear aspect of the building, within a single storey projection. There will be no physical changes to the building which would be visible from the public realm, and the alterations to the property will not be adversely harmful to the significance of the heritage asset. All external works are minor and reasonable, and will not affect the principal elevation of the property, which contributes greatest to the value of the asset. The conversion will bring into use one part of the property which has remained vacant for over 17 years, improving a declining part of the building which could deteriorate the significance of the asset in time if remaining vacant. As such, on balance, the conversion and change of use will have negligible impact on the heritage asset, and will protect and enhance its significance.

In line with Para 216 of the NPPF, it is concluded that the harm to the heritage asset will be negligible. As such, the proposal is in accord with HER DM2 of the ALP, Policy 1 of the BRNDP, and the NPPF.

BIODIVERSITY

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing 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)."

A Biodiversity Enhancement Statement has been provided with the application, detailing the following protection and enhancement measures are recommended to be undertaken:

- Introducing small shrubs and other native plants to the courtyard area. A climbing plant along the rear wall would also provide nesting for smaller birds and improved aesthetics;
- Installation of new bat roost features to the building, such as an integrated crevice bat box. This could be installed on the proposed southern elevation immediately below or integrated into the gable end;
- Installation of bird nesting features to the building or a wall such as an integrated sparrow box and AfS S-Brick. Swift bricks could be incorporated into the main building. Integrated box installation shall accord with BS 42021:2022.
- Installation of an insect feature to the building or garden, such as an insect box or log pile.

The ADC Ecology Officer confirmed agreement with the application, subject to securing the final details of the enhancement measures to be undertaken on site, including their location. A condition pertaining to this requirement is applied below, and is sufficient to meet the requirements of ENV DM5.

Biodiversity Net Gain for small sites came in on the 2nd April 2024, requiring all sites provide 10% BNG on or off site, unless exempt. Whilst this requirement is now active, 10% is not required for this application as it is subject to de minimis exemption, being a change of use.

The application is in accord with ENV DM5 of the ALP.

PAGHAM HARBOUR ACCESS MANAGEMENT CONTRIBUTION

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 new unit was agreed by the Council's Policy Committee on 28 November 2023. This has been increased to £950 following the end of the tax year.

Paragraph 187 of the NPPF 2024 states that planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or

identified quality in the development plan).

Paragraph 194 states that Special Protection Areas should be given the same protection as habitats sites. Paragraph 195 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The site lies in Zone B and the proposal results in a net increase of 1 new unit. This will equal £950.

Subject to this being secured by a s106, there will be no conflict with policy ENV DM2. An agreement has been completed and signed, with the contribution fee of £950 to be paid to the Council on commencement of the development. Therefore this contribution has been secured.

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

WASTE MANAGEMENT

Details of a bin and bike store have been submitted with the application, showing refuse and recycling will be stored in a secure and covered structure in the rear garden. This is sufficient, and in accord with WM DM1 of the ALP.

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.

SUMMARY

The proposal is compliant with relevant Development Plan policies and relevant paragraphs of the NPPF. 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. This is dated 20/12/2024, and requires the undertaker to pay £950 for the purpose of delivering mitigatory actions at Pagham Harbour. This contribution is due to be paid on commencement of the development.

RECOMMENDATION

- 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, site plans, and proposed ground floor plan 2024/64 3
Proposed Elevations 2024/64 2
Proposed Bin and Bike store plans and elevations 2024/64

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 Within one month following commencement of works, details of a scheme for protecting the proposed dwelling and other noise sensitive uses from external noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that upon completion of the development, good acoustic design standards have been achieved. All noise mitigation measures shall be implemented in accordance with the agreed details and thereafter retained in perpetuity. The applicant should review the Planning Noise Advice Document - Sussex, November 2023:
<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

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

- 4 Prior to occupation, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (AB004.47AldwickRoad.EcIS.v3, dated 18th September 2024 - South Downs Ecology), shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun

Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 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 (Proposed Bin and Bike store plans and elevations 2024/64) hereby approved by the Local Planning Authority. 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.

- 6 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 7 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 8 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.

- 9 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution £950 for the mitigation of the Pagham Harbour Special Protection Area.

- 10 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 then 5 metres in length of onsite linear

habitat.

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