

Recommendation Report for Planning Permission

REF NO: P/57/26/PL

LOCATION: St Ninians United Reform Church
Pagham Road
Pagham
PO21 4NJ

PROPOSAL: Change of use from a place of worship (Use class F1) to a funeral director (Use class E). This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	4070sqm (including blue edge).
	3520sqm (red edge only).
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Tall hedging to south boundary, open boundary and access to east boundary, hedging and close boarded fencing to north boundary, and concrete post and chain-link fencing to west boundary.
SITE CHARACTERISTICS	The site is comprised of the St Ninians United Reform Church (Place of worship) alongside a single storey dwelling to the rear, known as 'The Manse' that, historically, is understood to have been associated with the use of the church. The site also includes a modest car park and greenspace to the side and front of the site respectively, alongside planting and trees (which are not impacted by this proposal).
CHARACTER OF LOCALITY	The surrounding area is predominantly residential in nature but with open arable land beyond the boundary to the west.
	None.

REPRESENTATIONS

Pagham Parish Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Holding objection:

- Confirmation regarding hours of operation requested.
- The application states that new ventilation and plant are to be installed without any data or noise assessment.
- Condition securing an acoustic assessment of any new plant, machinery equipment or building services prior to their operation requested.

WSCC Highways - Advice:

- There are no proposed alterations to the existing access arrangements.
- Considering the existing and proposed use, it is not anticipated that the proposals would give rise to a significant material intensification of movements to or from the site.
- The site will retain twenty car parking spaces. This is satisfactory as the parking demand is anticipated to be comparable to the existing use.
- Do not consider that there are any transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Environmental Health confirmed that their holding objection has been lifted following confirmation from the applicant that operating hours are intended to be 8:30-17:00 Monday-Friday.

POLICY CONTEXT

Built-up Area Boundary.

2km Buffer for Site of Special Scientific Interest (SSSI) (Pagham Harbour and Bognor Reef).

Potential for Groundwater Flood Risk ($\geq 75\%$).

Partially within Future Flood Zones when accounting for Climate change (2070 to 2125) (east boundary of the site only).

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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, 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. Pagham does not benefit from a 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 complies with relevant Development Plan policies in that it preserves the character of the area, the amenity of neighbours, benefits from sufficient parking and amenities, remains safe from flood risk for the lifetime of the development, and would provide employment and energy efficiency benefits alongside alternative transport methods.

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

This application is not liable for Biodiversity Net Gain (BNG) under the de-minimis exemption.

CONCLUSIONS**PRINCIPLE**

The proposal site comprises an existing place of worship building within the Built-up Area Boundary. The principle of redevelopment is accepted subject to consideration of relevant Development Plan policies in accordance with Policy SD SP2 of the Arun Local Plan (ALP).

CHARACTER

The proposal does not involve any physical alterations of the existing building and pertains to the change of the use of the existing place of worship (F1) to a funeral directors (E) only.

As such, the potential impacts on the character of the area are limited to any change in on-site operations. The proposal intends to operate from 8:30-17:00 Monday to Friday with no specified hours of operation on weekends or bank holidays. As such, it is assumed there is no intention to operate on weekends or bank holidays.

The proposed use would involve the reception, care, and preparation of deceased alongside associated administrative activities and private family visits. It has been outlined that on-site processes will include refrigerated storage, washing, dressing, and embalming where required.

As such, the use of the site would be characterised by the gathering of individuals to pay respects, alongside the reception of deceased and subsequent processes inside of the building. The use is not associated with excessive noise generation, nor would it result in any undue disruption of the surrounding environment. As a place of worship, the existing use of the site could be characterised by similar gatherings whereby individuals pay their respects alongside the day-to-day operations and services of a place of worship. The character of each use is not entirely dissimilar and the use and its associated operations would not prejudice the character of the area.

The application form suggests mechanical ventilation/extraction systems and air conditioning will be required but that no heavy industrial machinery is proposed. While this is not anticipated to generate any undue or excessive noise pollution, Environmental Health have requested a condition securing an acoustic assessment of any proposed equipment to ensure there is no unacceptable noise impacts on nearby noise sensitive properties or the environment. Officers concur with the recommendation of this condition and its reasoning and have attached it accordingly.

It is worth noting that this determination includes conditions to secure relevant sheltered and secure cycle parking spaces and renewable, decentralised/low-carbon energy supply systems on site. These are likely to have some limited visual impact on the wider area, but none that would likely result in any significant impacts on the character or visual amenity of the area.

The proposal would not prejudice the character of the area and as such, would preserve it in accordance with ALP policies D SP1 and D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal would not result in any adverse impacts by way of overbearing, overshadowing, or overlooking on neighbouring residential properties.

The level of activity on site is anticipated to be similar to the existing lawful use of the site as a place of worship and is expected to only operate between the hours of 8:30-17:00 Monday to Friday, with no operations on weekends/bank holidays. The existing lawful use is understood to be unrestricted and the noise generated from this site is likely to be limited. That said, little information regarding the activities on site has been provided, and it would not be reasonable to allow unrestricted hours of operation without cogent evidence identifying it is acceptable.

Conditions must meet the tests outlined within the NPPG, including being necessary and reasonable in all other respects. Limiting the hours of operation to those specifically outlined by the current applicant will not always meet the test of necessity as operations outside of those specified may have no materially different impact on the surrounding environment. In this instance, 8:00-18:00 Monday - Saturday are considered acceptable and allow the applicant and any future occupant of the unit some additional flexibility and account for delayed departures from the site. Operations outside of these hours and on Sundays/Bank Holidays are likely too sensitive to allow without greater certainty as to potential noise impacts, relevant assessments, and expert advice. It is acknowledged that the use of the existing church is not likely restricted and to have services on Sundays/certain bank holidays, but the proposed use is

not necessarily associated with such religious services and the church was approved under a different, historical, planning context. Further, 'The Manse' was once associated with the church and with the wider site changing to a non-religious use, there would not necessarily remain a direct relationship between the occupier of the dwelling and the proposed use of the wider site, leaving them less amenable to such operations.

No objections have been received from Environmental Health, subject to a condition ensuring any new plant, machinery, or building services have no unacceptable noise impacts.

The anticipated hours of operation proposed are typical working hours, and the restriction imposed would provide the applicant greater flexibility, without extending into hours or days which are likely to be significantly more sensitive as a result of lower background/ambient noise levels due to reduced activity.

The proposal, subject to conditions, would have no unacceptable impacts on neighbouring residential amenity in accordance with ALP policies QE SP1 and D DM1.

TRANSPORT AND PARKING

The application form outlines that the existing site benefits from 20 No. parking spaces. From measurement of the Block Plan, the site would appear to actually be able to facilitate at least 30 No. parking spaces if required. WSCC Highways have raised no objections, identifying that the proposed use is not anticipated to materially alter the parking requirements of the site over the existing use, nor associated trip generations, and that there are no transport grounds to refuse the development.

The proposed use falls within use class E, formerly A1. The Arun Parking Standards specifies that Use Class A1 required 1 vehicular parking space per 14sqm and 1 cycle space per 100sqm for staff and for visitors. The building has approx. 390sqm internally and as such, 27 car parking spaces and 6 cycle storage spaces would be required.

The site has more than sufficient car parking capacity, with a few to spare which would satisfy the parking requirements of 'The Manse', although no such parking has been formally outlined for this property. The applicant has, however, suggested that the parking demand of 'The Manse' would be accommodated within the wider parking area as required. It is also worth noting that Use Class A1, although included Funeral Directors explicitly, primarily related to retail uses, where a greater and more frequent parking demand would typically be expected. It is anticipated to be unlikely that the car park area would be at capacity regularly or for extended durations as a result of this proposal.

A condition to ensure the relevant quantity of secure and sheltered cycle parking spaces is secured, and to ensure compliance with the Arun Parking Standards and ALP policy T SP1 has been attached.

EMPLOYMENT

The application form has not identified any employment impacts associated with this development. The existing church is known to have closed relatively recently and it is possible that staff related to the use of the church did not meet the definition of employee.

In any event, any alternative occupiers of the existing lawful use may operate on a voluntary basis and employment associated with the use as a place of worship is likely to be very limited. The proposed use is likely to involve the provision of full-time employment to some extent commensurate with the scale and use of the site, and so while the application is silent on this point, the likely increase in employment is a benefit and afforded limited weight.

The proposal does not conflict with ALP policy EMP DM1 in that no employment space is to be lost or prejudiced.

BIODIVERSITY AND ECOLOGY

The proposal is exempt from the requirement of Statutory Biodiversity Net Gain (BNG) under the de-minimis exemption. Nonetheless, ALP policy ENV DM5 requires that some net gain in biodiversity is achieved, alongside the protection of protected species.

The Local Planning Authority have no evidence of protected species on site, and given the nature of the development, it is suitable to achieve some net gain in biodiversity by way of ecological enhancements secured by condition. As such, a condition securing details and the provision of limited ecological enhancements such as, but not limited to, bat boxes, bird boxes, or insect hotels has been attached. Subject to this condition, the proposal is in accordance with ALP policy ENV DM5.

The site lies within the 2km buffer zone for two SSSI, these being Bognor Reef and Pagham Harbour. Pagham Harbour is also a Special Protection Area (SPA). Since the proposal is a change of use only with no anticipated material increase in activity or the incursion of recreational pressures on these sites, the proposal would not result in any indirect or direct impacts on these sites. As such, the need for an appropriate assessment has been screened out and the proposal is in accordance with ALP policies ENV SP1 and ENV DM1.

ENERGY EFFICIENCY

ALP policy ECC SP2 requires developments, including changes of use, to be energy efficient, incorporating design and layout strategies that support this goal, and including decentralised, renewable, and low-carbon energy systems such as solar panels. As a change of use, design and layout strategies are not directly applicable, and energy-efficient materials will be addressed at Building Control stage. To ensure compliance with respect to decentralised, renewable and low-carbon energy supply systems, a condition has been attached requiring the inclusion of appropriate energy systems.

Subject to condition, the proposal is in accordance with with ALP policy ECC SP2.

FLOOD RISK

The site lies within Flood Zone 1, with a portion of the east site boundary (front of the site) lying within the anticipated extent of the Future Flood Zones when accounting for Climate Change between 2070 and 2125. The site is at potential risk of groundwater flooding.

The proposal relates to the change of use of a building with no alteration of the vulnerability classification of the site, no significant physical works, nor any anticipated increase in activity over the existing use. The Local Planning Authority have no evidence or record of any historical flooding events from any source on site.

No Sequential or Exception Test is required in relation to flood risk.

The proposal is not required to be supported by a Flood Risk Assessment per the requirements of NPPF footnote 63, but is technically required to be supported by an FRA in line with ALP policy W DM2 due to the Environment Agency flood maps identifying a risk of flooding in the future. That said, the site is an established building and use and there is no increase in risk associated with the proposal. Additionally, the building and its parking area would remain entirely safe throughout the lifetime of the development.

For the reasons outlined above, while the proposal is in technical conflict with ALP policy W DM2 since it has not been supported by an FRA, the site would remain safe throughout its lifetime, and the proposal does not increase the risk of flooding to people or property on site, which is in accordance with the principles of ALP policy W DM2 and the NPPF. As such, this technical conflict is not a reason for refusal.

SUMMARY

The proposal is in technical conflict with ALP policy W DM2, for the reasons outlined above, this does not amount to any identified harm. The proposal is in accordance with all other relevant Development Plan policies and 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.

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:

- Location Plan 1:A.
- Block Plan 2:A.
- Ground Floor Plan 6072-G P01.1.
- Elevations 6072-E P01 Sheet 1.
- Elevations 6072-E P01 Sheet 2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1 and D DM1.

- 3 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of at least two ecological enhancement measures such as but not limited to bird boxes, bat boxes, insect hotels, or hibernacula, 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 and achieve a biodiversity net gain 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 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 4 No part of the development shall be first occupied until 6 No. covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing 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 and the Arun Parking Standards Supplementary Planning Document.

- 5 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

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 the Arun Local Plan policy QE SP1 and QE DM1.

- 6 The use hereby permitted shall only be operated between the hours of 8:00 and 18:00 Monday-Saturday and not be operated on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby residents in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 7 The development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the first use of the building for the use hereby approved and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 8 The building shall be used as a Funeral Directors and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun Local Plan policies D SP1, QE SP1, QE DM1, and T SP1.

- 9 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).

- 10 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.