

REPORT UPDATE

Application No: LU/242/24/PL

Reason for the Update / Changes

Reason for Update/Changes:

This application was deferred at Planning Committee on the 15 January to give time to WSCC Highways and Environmental Health (EH) to review further information submitted by the applicant to overcome their objections.

WSCC Highways reviewed the Travel Plan, and raise no objection subject to securing a condition requiring Travel Information Packs be provided to all users of the site to encourage the use of public transport locally, and include information on bus and train times, where to park and car sharing. The reason for refusal on the grounds of impact to highway amenity and parking provision is withdrawn.

An Acoustic Report and supplementary information was provided to overcome the EH objection. EH maintain their objection following review of this additional information. Whilst they do not object to the change of use, they have maintained they cannot support the hours of use being 4.30am to 10.30pm, due to the negative impact this will have on neighbouring amenity in the early hours of the morning. This is due to their consideration that on street noise is very difficult to control, and enforces the need for restricting hours of use when development is in such close proximity to residential properties.

As of 29/01/25, 154 objections and 62 letters of support have been received. Comments raised reflect the issues recorded in the report.

Officers Comment:

In light of the updated comments from WSCC and EH, the recommendation still stands to refuse the application. There is now only one reason for refusal regarding noise pollution and its impact on neighbouring amenity. That refusal is:-

"Insufficient information has been provided in regard to noise pollution. The proposed use of the building during antisocial hours would result in detrimental harm to the amenity of nearby occupiers, and the quality of the environment. This is in conflict with D DM1, QE SP1 and QE DM1 of the Arun Local Plan, and the NPPF."

Comments received from public representations are noted. No further issues have been raised which require additional consideration to that assessed in the report.

Reason for Update/Changes (discussed previously at Planning Committee on 15 January 2025):

The applicant has submitted a Travel Plan and Noise Reduction Report in order to address the concerns raised by WSCC Highways and ADC Environmental Health, and remove the reasons for refusal. WSCC and EH have both been re-consulted, however neither party have provided a response to the additional information.

For reference as of 14/01/25, a total of 153 objections have been received, 3 no objections, and 59 support. Concerns raised within objections reflect the issues recorded in the report, with the exception of

additional considerations regarding:

- Equality assessment, specifically in regard to sex and women's equality,
- Whether Arun will be ensuring the building is used as proposed.
- Requests a more suitable location be found.

Further support representations include the following:

- Confirmation that Littlehampton United Church has accommodated the community for the last 6 years, during which there have been no issues socially, or in regard to parking demand.
- Support for the freedom of Worship, and this being a fundamental right.

Officers Comment:

In light of awaited responses, the reasons for refusal are upheld in line with the holding objection from both consultees. Comments received from public representations are noted; however no further issues have been raised which require additional consideration to that already assessed within the report. As such, there are no changes to the recommendation.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO: LU/242/24/PL

LOCATION: 1-5 St Martins Lane
Littlehampton
BN17 6BS

PROPOSAL: Change of use to F1 and F2 community centre and place of worship. This application is in CIL zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the Change of Use to F1 and F2 Community Centre and Place of Worship.
SITE AREA	270sqm (218sqm total internal area for the building).
SITE CHARACTERISTICS	Premises used for retail, office and professional services. Most recently, the ground floor of the site has been used as a retail unit for Shopmobility.
CHARACTER OF LOCALITY	Littlehampton town centre, comprising a mix of commercial, retail, office, leisure and residential uses.

REPRESENTATIONS

Littlehampton Town Council - Support.

107 letters of objection. General comments concern:

- Parking.
- Traffic and congestion.
- Overcrowding
- Anti-social behaviour, crime and safety.
- Low benefit to the wider community.
- Noise pollution.
- Disruption to the town.
- Harm to businesses.
- Confusion regarding the funding for this proposal.
- Inappropriate location.
- Air pollution.
- Harm to neighbouring properties.
- Existing places of worship in Worthing and Bognor.

2 letters of no objection. General comments concern:

- Parking, however query whether spaces for the centre can be limited to ensure there is not a reduction in parking availability for other users of the town.
- Increase in footfall for the town centre, which may benefit businesses.

27 letters of support. General comments concern:

- Sufficient parking provision in the town centre, and a good location for public transport.
- Positive for the community.
- Will benefit businesses by bringing visitors / footfall into the town centre.
- Increases multicultural and community facilities.
- Positive for supporting diversity and inclusion.
- Positive environmental impacts.
- There is an established Muslim Community in Littlehampton. A group are already accommodated at the nearby Church for Friday prayers and this has no impact on parking.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Only issues raised which are material to planning can be taken into account.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH (EH):

No objection subject to conditions.

WSCC HIGHWAYS:

Holding objection. More information is required to understand trip impact the development would have on vehicle trips and trips made on foot to the site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The EH condition regarding opening hours refers to playgroups/nurseries. This has been queried with EH, who confirm the opening hour condition is for the operation of the whole premises, in order to protect neighbouring amenity.

POLICY CONTEXT

Built Up Area Boundary
 Economic Growth Area
 Town Centre Retail Boundary
 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
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

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 conflicts with relevant Development Plan policies in that it would result in adverse harm to residential and amenity and it has not been demonstrated that highway/parking impacts of the scheme have been acceptable.

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 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. The key policies are SD SP1, SD SP2, D DM1, D SP1, ENV DM5, ENV SP1, QE DM1, QE SP1, RET DM1, RET SP1, T DM1, T DM2, and T SP1 of the Arun Local Plan (ALP), and certain paragraphs of the NPPF. These will be assessed in relation to the sections outlined below.

Littlehampton has a 'made' Neighbourhood Development Plan (LNDP), of which Policies 1 and 2 are relevant. These policies concern the presumption in favour of sustainable development, and concentrating community related development in the BUAB.

The Arun Design Guide (ADG) and Arun Parking Standards SPD are pertinent to this application.

NPPF paragraph 124 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.

The NPPF gives a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d) ii.) and generally seeks to promote the effective use of all land (para 124) and gives weight to proposals that develop under-utilised land and buildings (para 125 (d)). 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 is in the Built Up Area Boundary and will be determined under an adopted local plan.

The building is in a sustainable location in Littlehampton town centre, with easy access by foot, bicycle, car, bus or train. The change of use poses an appropriate use of an existing unit, and as such, this proposal is acceptable in principle.

LOSS OF RETAIL UNITS

The change of use and conversion from retail and office uses to a local community facility is supported

under Policy RET SP1 as this policy seeks to reinforce town centre's roles to meet community needs by providing a range of activities including cultural and community development. It goes on to state that Littlehampton (along with Bognor Regis) will be the predominant focus for these activities.

Policy RET DM1 seeks to maintain the hierarchy of town centres provided that (a) the proposal is of a high standard of design, materials, and layout, (b) it is easily accessible by public transport, (c) it includes provision for access on foot and by bicycle, (d) it includes suitable access to enable disabled persons to access the provision and (e) the design incorporates crime prevention measures.

The ground floor retail unit was used by Shopmobility until March / April 2024, following a 25 year lease. This business moved into premises in Manor House Car Park; 1-5 St Martins Lane has remained unoccupied by a retail use since this move.

Criteria a - e are all met by the proposal. The site will re-use an existing building, with no external changes proposed. It is next to St Martins Car Park, with easy accessibility to and from the town centre, and local public transport facilities, such as bus stops at Anchor Springs, and Littlehampton Railway Station. This locality provides sufficient access for those on foot or by bicycle. The ground floor unit is currently fully accessible for disabled persons, and this will be retained. The site has 6 parking spaces to the front and side of the building, of which one space could be conditioned to be for disabled use only to meet this accessibility requirement. The building has a good outlook on public areas and natural surveillance is provided of the site from surrounding properties, including residential properties, such that its layout provides good crime prevention measures.

Separate to RET DM1, but relevant to RET SP1, are the benefits of a community facility and place of worship in the town centre, in addition in reinforcing the towns cultural and community needs. A community facility could bring greater footfall of visitors into the area. Whilst the interest of visits may be focused centrally on the proposed premises, by having a greater number of people visiting the area, there is a higher probability that people may bring custom to town centre businesses. The vitality of Littlehampton is a key focus within policies of the ALP, to ensure that development proposals offer benefit to the improvement of the town centre. The provision of a community centre and place of worship, aids this focus and increases the likelihood of businesses benefitting from higher numbers of patronage associated with the use.

The proposal is in accordance with RET DM1 (a-e) and RET SP1, proposing a suitable and sustainable redevelopment of an empty retail unit.

DESIGN / VISUAL AMENITY AND CHARACTER

As the proposal seeks no internal or external alterations to the premises, there will be no change to the design or visual amenity of the site. There is no conflict with D DM1 of the ALP.

The change of use will result in some impact on the character of the area. The site was used for the retail of mobility aids at ground floor, and office above. This use was coherent with the character of surrounding businesses in the locality, and complimentary to the retail character of the town centre. The proposed use is of a differing character, providing a community hub and provisions for the purpose of worship. The footfall and movement of users of this building is anticipated to vary throughout the day, and will be open for longer periods than the retail unit. This will result in an increase in the intensity of the use of this building, with impact on the wider area (discussed further below). In regard to its character as a community centre and place of worship, this is reflective of other nearby premises such as Littlehampton United Church (to the west). Community uses, regardless of religion, are a form of development which is complimentary to the varied character of town centres, especially in Littlehampton where there are limited community centres in the town centre. The development would remain in keeping

with the character of the locality, and would be a positive addition to the variety of different uses in the area.

Policy 2 of the LNDP seeks to concentrate community-related development in the built-up area boundary. This proposal would see the sustainable reuse of a building in the town centre retail boundary, of a character coherent with the existing uses of this locality.

The proposal is in accordance with D DM1 and D SP1 of the ALP, Policy 2 of the LNDP and the Arun Design Guide, and will have little harm to the character of the locality.

RESIDENTIAL AMENITY / QUALITY OF THE ENVIRONMENT

ALP 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. In this instance the primary concern is potential for noise and disturbance, as there will be no change to the structure of the building to result in a change in existing overbearing, overlooking or overshadowing.

Policy QE SP1 of the ALP requires that all development contributes positively to the quality of the environment and does not have a significantly negative impact upon residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development.

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 are approximately 70 residential units within 100m of the premises, and 17 within 50m; the closest of which being 2 units 11m away. This gives rise to potential harm to a substantial number of nearby occupiers.

The proposal includes a number of services, groups and events which will be provided by the centre. This is to include:

- Youth mentoring / personal development (5-10 people)
- Youth counselling (5-10 people)
- After school and holiday youth clubs (10-30 people)
- Advice for domestic conflict (2-4 people)
- Weekend cultural talks / events (up to 50 people)
- Evening community events (up to 50 people)
- Weekend playgroups (10-30 people)
- Adult learning (weekdays, 5-15 people)
- Children after school classes (20-50 people)
- Daily prayers (5-50 people)

It has been noted by the agent in an updated statement that attendance of prayers and other events / groups could result in up to 150 attendees.

This schedule of services identifies that the centre will be used most heavily from approximately 12pm to 9pm during weekdays, and throughout the day during weekends. There would be an occasional increase of visitors from early morning to night to attend daily prayers. This would see groups of visitors at the following times of day:

- Dawn, just before sunrise (from 4.30am to 6am)

- Midday (12pm to 2pm)
- Late afternoon (3pm to 5.30pm)
- Just after sunset (4pm to 9pm)
- Between sunset and midnight (8pm to 10.30pm)

Prayers are expected to last up to 15 minutes during the proposed time slots, and will take place 5 times a day. This will result in some noise and disturbance upon arrival and on departure for each prayer by those attending the centre, which will have an impact on nearby residents. No Noise Impact Assessment has been undertaken, however the hours of operation have been confirmed to be 4.30am to 10.30pm. No call to prayer will be audible from outside the building.

Environmental Health Officers (EH) were consulted to assess potential harm to the locality from noise pollution and other disruption. EH did not object but requested conditions to mitigate harm to the local area. This includes a restriction on the use of sound reproduction or amplification equipment which is audible outside the site boundary, and the requirement for a pre-commencement condition securing the submission of a Noise Management Plan to be approved. This Noise Management Plan must include (but is not limited to) details of:- hours of operation, management responsibilities during opening hours, measures to control noise from activities and operations at the site (including the operation of any equipment plant or building services) and minimising noise from vehicles, deliveries and servicing.

The imposition of this condition would not allow the centre to operate, unless and until an acceptable plan has been submitted and approved. The details of the noise to be produced by the centre must be of a level that is appropriate for the locality, and will not result in significant noise pollution and disruption which would harm the quality of the environment from nearby occupiers. This is a reasonable condition to mitigate any unduly harmful impacts to residential amenity from noise.

EH requested a condition restricting the opening hours of the premises. This would be limited to 8am to 6pm Monday to Saturday, and 9am to 4pm on Sundays and Public Holidays. This condition would restrict the use of the building during anti-social hours, to protect neighbouring occupiers from unacceptable noise pollution. EH would object to any use in the early morning or at night, as, whilst the premises can be controlled, associated on-street activity cannot, and this would be the activity most harmful to residential amenity.

The lack of noise impact assessment provided with this application is of significant concern. Whilst an hours of operation condition could be applied, this would be unable to accommodate all proposed activities of the development, and would significantly limit the use of the building for the community. Given the number of attendees proposed for the groups, and the hours of operation needing to run from 4.30am to 10.30pm, an objection to the development is raised until sufficient evidence has been provided to demonstrate that the amount of noise produced by the use of the building would not be unduly harmful to residential amenity, and the quality of the environment. At present, with the lack of information, officers cannot be confident that the use would not have undue detriment to neighbouring amenity as a result of noise pollution, which would directly conflict policies D DM1, QE SP1, and QE DM1, on the grounds of noise and disturbance.

Insufficient evidence has been provided to demonstrate the use of the building would not result in adverse noise pollution, which would be unduly harmful to the quality of the environment and amenities of nearby residents. As such, proposal is in conflict with D DM1, QE SP1 and QE DM1 of the Arun Local Plan, and recommended for refusal on these grounds.

HIGHWAYS, PARKING AND ACCESS

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. Schemes should create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 of the ALP sets four criteria (a-d) which all development must meet. This prioritises the proposal having easy access of established public transport services, and promoting and improving the cycle networks. Policy T DM2 concerns the loss of town centre car parks. The development will have an impact on car park capacity at varying times throughout the day, but will not result in their loss.

Para 116 of the 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

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.

Table 4.1 of the APS sets out requirements for vehicular and cycle parking provision in non residential developments. This table references the use classes prior to the change in 2020, and in this case the proposal concerns development within the D1 and D2 use classes. For use class D1, vehicular and cycle parking is set on a site specific assessment based on a travel plan and needs; and for D2 it is required that 1 space per 22sqm is provided for large scale places, or 1 space per 15sqm if serving more than a local catchment. For cycle parking 1 space per 4 staff plus visitor / customer is required. The development is to serve the needs of the local catchment, with a potential attendance (as stated by the appellant) of 150 visitors; however this is the closest criteria. The total internal area of the property would be 218sqm. Under the APS requirements, 10 (9.9) vehicular parking spaces would be required to meet the APS minimum.

The off-street parking capacity in the immediate vicinity and wider area should also be considered, as this will offer a potential alternative if parking on site is at capacity. The following Council owned public car parks are in walking distance of the premises:

Within 150m:

St Martins Car Park - Capacity 153 spaces (with 11 Blue Badge and 1 motorcycle bays).

Anchor Springs Car Park - Capacity 27 spaces (with 2 Blue Badge spaces).

Within 250m:

River Road Car Park - Capacity 19 spaces (with 3 Blue Badge spaces).

Surrey Street Car Park - Capacity 43 spaces (with 3 Blue Badge spaces).

Within 500m:

Manor House Car Park - Capacity 104 spaces (with 7 Blue Badge spaces and 2 motorcycle bays).

346 publicly available parking spaces are accessible within 500m of the site. However, it is not for the Local Planning Authority to demonstrate that the development will not have an adverse impact on highway amenity and parking provision, it is for the applicant to demonstrate this. WSCC Highways have raised a holding objection, on the basis that more information is required. The application has not been accompanied by a travel plan, and subsequently it is not demonstrated that the level of parking provided both by the site, and surrounding car parks, would be sufficient to accommodate the level of vehicles needing to park by attendees. It is understood up to 150 people could attend the site at any one time, which could put undue strain on parking provision in the area, to the detriment of other uses of the car parks. Without sufficient supporting evidence, the Local Planning Authority must consider the potential harm to highway amenity, and agree with the Local Highway Authority that further information must be

provided. The previous use of the building would have parking demands/vehicle movements associated with it. The concerns raised relate to the potential difference between the previous use and the proposed use. Until it is evidenced that the new use of the building would not have unacceptable harm to parking provision in the area, refusal on this basis must be upheld, in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

Being in a town centre and near car parks, the development is also expected to result in an increase in traffic on local highway networks, especially at times of prayer or larger community gatherings / events. The siting of the premises is such that not all visitors require transportation by vehicle, and whilst it is anticipated that car use in the locality may increase, the close proximities to other public transport networks will encourage visitors to use different methods other than via the highway network. The community centre is proposed to serve the local community, in order to provide a hub for those in Littlehampton who attend centres in Worthing and Bognor Regis. The centre serves those who currently need to drive to the other locations, and a closer location reduces the need to use a vehicle to attend the centre. Subsequently, it is more likely that visitors will attend on foot or by public transport, as they will be visiting from the surrounding area and in walking distance.

In regard to cycle parking, there is ample provision in St Martins Car Park, and the High Street for visitors to lock their bicycles. It is not necessary for the building to provide on site covered and secure cycle parking. The scale of the site, and positioning of vehicular parking spaces around the perimeter of the building would make it difficult for a sufficient number of cycle parking spaces to be provided which are able to be secure and covered, without impeding on the access to the building (especially in events of fire escape) and associated car parking spaces. Cycle parking could be provided to the front of the property, where the verge is too narrow to facilitate car parking; however this could not be covered as it would restrict a number of ground floor windows of the building, and would potentially detract from its visual amenity. Any spaces in this location would be no more secure or covered than spaces in St Martins car park to the north and west.

There are concerns that an increase in visitors could result in on-street parking congesting the accessibility into the town centre from St Martins Car Park, especially in St Martins Lane and St Martins Road, and other neighbouring roads. Whilst there is a possibility vehicle users may be tempted to park along on the roads, they would be forced in most cases to park on double yellow lines, if on-street parking spaces are unavailable. This would leave them open to measures undertaken by parking / traffic enforcement. It is anticipated that the traffic enforcement measures in this location will deter visitors from parking illegally or in an unsafe manner.

It is material to note that the local Muslim community are currently accommodated for some prayers nearby at the Littlehampton United Church. This premises abuts St Martins Car Park, and whilst it is anticipated an individual community centre would attract an increased number of visitors, it should be acknowledged that to date there are no known issues or disruptions associated with the community using the Littlehampton United Church in regard to parking or congestion. However, given the anticipated level of attendance of the proposed building, it cannot be guaranteed that the site would operate in the same way as current meetings at Littlehampton United Church.

Due to the absence of a travel plan, it has not been demonstrated that the level of on-site parking provision is sufficient to accommodate the number of attendees to the site. No information has also been provided detailing information of vehicle trips and trips by foot, and whilst it is anticipated that not all attendees will attend via car, further information is required to evidence this. It therefore has not been demonstrated that the change of use would not result in adverse harm to the highway network, nor put undue strain on local parking provision to the detriment of other users. As such, the proposal is in conflict with T SP1, T DM1 and T DM2 of the ALP, the APS and the NPPF, and must be refused on these grounds.

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 also however 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)."

The proposal would see the renovation of a brownfield site. This site offers little ecological value, being fully hardstanding. There are no priority habitats on site, and existing sealed surfaces are exempt from the 10% BNG requirement. There will be no change to the ecological value of the site.

Biodiversity Net Gain for small sites came in on the 2 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. Therefore, the lack of ecological enhancement on site does not warrant refusal, and the application is in accord with ENV DM5.

SUMMARY

Whilst the principle of development is acceptable, insufficient information in relation to highways, parking, and noise pollution has been submitted. Therefore, it cannot be confirmed that the change of use would not result in adverse harm to highway amenity, the amenity of nearby residents, nor the quality of the environment. This is in conflict with ALP policies D DM1, QE SP1, QE DM1, T SP1, T DM1 and T DM2, the Arun Parking Standards, and the NPPF. As such, the proposal is recommended for refusal.

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 positive impact on the protected characteristics of religion.

RECOMMENDATION

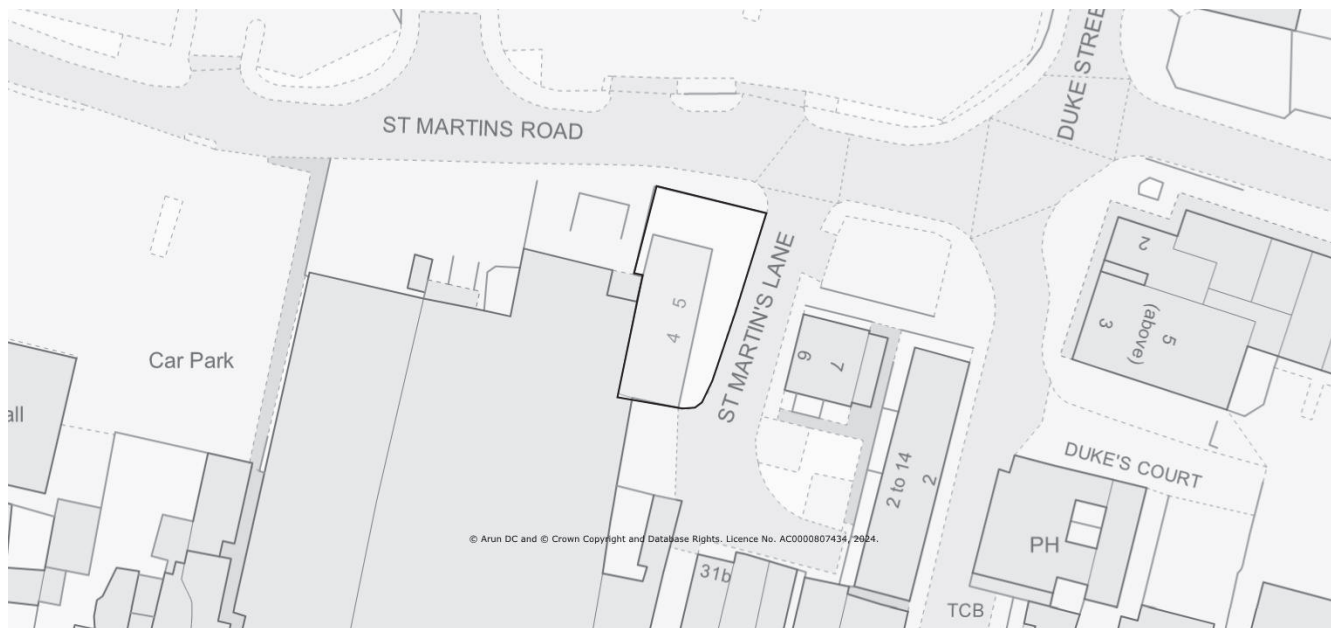
REFUSE

- 1 Insufficient information has been provided in regard to noise pollution. The proposed use of the building during antisocial hours would result in detrimental harm to the amenity of nearby occupiers, and the quality of the environment. This is in conflict with D DM1, QE SP1 and QE DM1 of the Arun Local Plan, and the NPPF.
- 2 **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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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)

LU/242/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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