

Simon Davis

From: Simon Davis
Sent: 16 September 2014 17:36
To: [REDACTED]
Cc: Miriam Nicholls
Subject: Unit 1 Oldlands Way, Bognor Regis (BE/23/14/PL)

Dear Victor,

I have spoken in house about your proposal to amend the description of the application. If you wish to amend it then we would have to withdraw the application from the agenda for the 24/09/14 Committee Meeting because we would need to re-advertise the application to local people. However, it could be dealt with under delegated powers if I were to approve the application. Hence, it would not need to wait to hit a later Committee Meeting.

As regards the description of development, I have checked the Land Use Gazetteer and I note that:

- (1) A Builders Yard for Storage and Sales to Trade is a B8 use class (NB this would not require a planning permission)
- (2) A Builders Yard for Storage and Sales to Visiting Members of the Public (VMP) is an A1 use class.
- (3) A Builders Yard for Storage and Sales to both Trade and VMP is a sui generis use class.

Interestingly it appears that a Plumbers Merchants is either sui generis (mixed trade & VMP) or A1 (VMP only) – i.e. no B8 use. I have not looked up other types of merchant/yard and so there may be differences with other types too.

I imagine that you would want option (3). Therefore, I would suggest the following description:

“Change of Use from Class B8 (Storage or Distribution) to a Sui Generis Use as a Builders Merchants type of use with sales to both Trade and VMP and including partial demolition”

I don't see why the above description couldn't include Plumbers Merchants, Timber Merchants or other similar kinds of use.

Kind Regards

Simon J Davis MRTPI, Senior Planning Officer, Development Control
Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)
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SZD/

Amanda Scholes

From: Amanda Scholes on behalf of Planning.Responses
Sent: 29 July 2014 15:48
To: Planning Scanning; Amanda Scholes
Subject: FW: File No BE/23/14/PL

From: Simon Davis
Sent: 29 July 2014 11:47
To: Planning.Responses
Subject: FW: File No BE/23/14/PL

Second Economic Regeneration comments

From: Miriam Nicholls
Sent: 28 July 2014 14:33
To: Simon Davis
Subject: File No BE/23/14/PL

Hi Simon

Thank you for forwarding the response to the Economic Development Teams comments on this application.

Having read these we see nothing that makes us need to change these.

Just for clarification, our objections are the loss of industrial floor space and the vitality of the town centre.

I can confirm that there is no "agenda" behind the scenes to block this application, simply the need to protect industrial floor space now that enquiries are starting to increase. You may wish to note that we had raised the same objections in relation to the change of use to a skate park.

Mr Levy makes the point that "Miriam Nicholl is not a retail expert". Whilst I may not be I do have regular contact with over 3500 of our local businesses and 25 years of economic development experience in the area which gives a good understanding of the requirements of local companies.

Miriam.

Miriam Nicholls | Business Development Manager, Economic Development Team, [Arun District Council](#) | Location: Second Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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Amanda Scholes

S2D.
Consultation

From: ● Amanda Scholes on behalf of Planning.Responses
Sent: 20 May 2014 13:43
To: Planning Scanning; Amanda Scholes
Subject: FW: BE/23/14
Attachments: BE2314b.docx

From: Simon Davis
Sent: 20 May 2014 11:37
To: Planning.Responses
Subject: FW: BE/23/14

Highway Comments

From: Dominic Smith [REDACTED]
Sent: 19 May 2014 16:26
To: Simon Davis
Subject: BE/23/14

Hello Simon,

Please find attached my comments. I've got a bit of uncertainty regarding what is proposed – it's suggesting non-food retail, but a discount food retailer is referred to in the planning docs?

Kind regards,

Dominic

<u>Dominic Smith</u> Senior Planner, Strategic Planning, <u>West Sussex County Council</u> Location: 2nd Floor, Northleigh, County Hall, Chichester, PO19 1RH Internal: 25711 External: 0330 222 5711 E-mail: dominic.smith@westsussex.gov.uk

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**WEST SUSSEX COUNTY COUNCIL
STRATEGIC PLANNING CONSULTATION**

DATE: 19th May 2014

**FROM: Dominic Smith TO: Arun District Council
FAO: Simon Davis**

SUBJECT: BE/23/14/PL

**Change of use from Class B8 (Storage or Distribution) to Class A1 (Shops)
including partial demolition.**

**Adjacent warehouse site to McDonalds, Oldlands Way, Bersted, West Sussex,
PO22 9SA**

RECOMMENDATION:

Advice	☐	Modification	☐	More Information	☐
Objection	☒	No Objection	☐	Refusal	☐

West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), has been consulted on the proposed change of use from B8 storage or distribution to A1 retail. Comment has previously been offered where further information was sought regarding the transport impact of the development.

The LHA raises an objection to the proposed development for the following reasons;

- Given the nature and location of the site, the development does not take up the opportunity to encourage the use of sustainable modes of transport contrary to paragraph 32 of the National Planning Policy Framework
- It has not been demonstrated that safe and suitable access to the site can be achieved for all people, contrary to paragraph 32 of the NPPF
- It has not been demonstrated that the development will not have a severe impact on the operation of the local network, contrary to paragraph 32 of the NPPF

The following is the detailed response of the LHA.

Transport Assessment (TA)

The Applicant has submitted a TA in support of the proposed development which considers the impact that would arise from a change in use. Trip generation has been assessed on the basis that the proposed use will be a non-food retail development. However, other planning documents submitted alongside the application indicate that interest in occupation has been expressed by a discount food retail operator. The trip generation associated with a food retail use differs from that associated with a non-food retail use and trip rates are often higher. Clarification is sought on the proposed use of the site and, if food retail permission is sought, the assessment should reflect this use.

In addition, peak operating hours of a retail store often occur during Saturday PM but no assessment of the impact at this time has been provided. It is likely that the former use would have been less intensive over a weekend period and therefore the development would lead to an

intensification of movements on the network at this time. An assessment of weekend operation is required.

In accordance with the WSCC Transport Assessment Methodology, junction capacity analysis should be undertaken where development leads to an increase of 30 or more movements in any hour. Full TRICS outputs should also be submitted to review site selection parameters used and determine the suitability of the assessment undertaken.

Parking

Parking accumulation is based on the output of the TRICS assessment. As mentioned above, full TRICS outputs are required to determine the suitability of the assessment. Further consideration will be required in the event that permission for food retail is sought. If an end occupier has been identified then operational information relating to the company should be used to determine suitable capacity is provided.

Access

The proposals include revised access arrangements; while there appears to be a good level of visibility, splay should be provided on the access plans from a setback of 2.4m and in accordance with Manual for Streets guidance within either land owned by the Applicant or within the highway boundary.

In accordance with the WSCC Road Safety Audit Policy, a Road Safety Audit: Stage 1 and Designer Response is required but has not been provided as part of the application.

The location of parking in the proximity of the access could result in the vehicles exiting the spaces coming into conflict with vehicles accessing the site, or result in Oldlands Way becoming obstructed unexpectedly while vehicles wait for the vehicles exiting the space.

Accessible Links

The site is located in a location where alternative modes to the car are a viable journey choice. Bus, cycle and pedestrian infrastructure is located adjacent to the A259 to the rear of the store; it is unclear whether these will link directly with the site and provide more direct access, or whether customers would be expected to route via Oldlands Way to access the site.

The plans do not appear to indicate a route for pedestrians from Oldlands Way, who would instead be expected to share the internal car park roads. Provision should be made to provide a dedicated provision to encourage the use of sustainable modes. In addition, there appears to be no provision to encourage cycle journeys such as sheltered and secure parking.

The National Planning Policy Framework requires that "*...the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site..*". While the site is located where a range of alternatives modes are available, the LHA do not consider that the site has taken up the opportunity to encourage the use of sustainable transport.

Dominic Smith
Strategic Planning



Bersted Parish Council
FAO Mrs F Dobbs
Community Centre
Chalcraft Lane
Bersted, West Sussex
PO21 5UB

Arun District Council
Arun Civic Centre
Maltravers Road
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Planning & Building Control General Enquiries
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Dx: 57406 Littlehampton
Minicom: 01903 732765
e-mail: planning@arun.gov.uk
website: www.arun.gov.uk/planning

Your Ref: OWQC2478
Our Ref: BE/23/14/PL
Please ask for:
Simon Davis

11th April 2014

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2010
(as amended)

Change of use from Class B8 (Storage or Distribution) to Class A1 (Shops) including
partial demolition

Adjacent Warehouse site to McDonalds Oldlands Way, Bersted

Thank you for your internet comments made on 11th April 2014 which has been recorded as
'**no objection**' with the comments as follows:

No Objection

Yours faithfully



Karl Roberts
Assistant Director Planning & Economic Regeneration



Nicola Spencer

From: Simon Davis
Sent: 01 October 2014 13:22
To: Nicola Spencer
Subject: FW: Revised Site Plan Bognor
Attachments: 593 PL(00)013 rev B Site Plan.pdf

Nicola,

Can you swap this for the plan on the file/online (existing one is Rev A, new one is Rev B). No need for any consultation.

Ta

Kind Regards

Simon J Davis MRTPI, Senior Planning Officer, Development Control
Arun District Council (First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF)
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From: Victor Levy [REDACTED]
Sent: 01 October 2014 13:13
To: Simon Davis
Cc: 'Des Dunlop'; [REDACTED]
Subject: Revised Site Plan Bognor

Dear Simon

We have revised the site plan to remove the fencing and hard standing at the rear.
McDonalds have a fence on the North boundary.

We have left a short fence on the front South boundary only.
Des is finalising the retail condition(s).

Kind regards

Victor Levy
Raphael Property Inv Co Ltd
18 Jacob's Well Mews
London
W1U 3DR

[REDACTED]



✓

Simon Davis

From: Des Dunlop [REDACTED]
Sent: 09 July 2014 17:35
To: Simon Davis
Subject: Review of RIA for BE/23/14

Simon

Further to my recent email, I would respond as follows: -

- i. GL Hearn accept that there is no adverse impact on the vitality and viability of the town centre from retail proposals comprising bulky goods and mixed use comparison.
- ii. GL Hearn indicate that the impact on the town centre from food retailing is acceptable.
- iii. GL Hearn have a concern about the impact around clothing and footwear where they conclude that £4.7m would be diverted from the town centre. This is almost double our estimate and seems particularly high but in any event it would mean that the town centre trades almost £5m above 2012 levels in 2013.
- iv. With regards the sequential assessment this relates to the Hothampton car park site which appears to be proposed for a mixed use development. St Modwen suggest that interest from retailers have requirements for between 15,000 sq ft to 18,000 sq ft. The indication is that the site could accommodate the Aldi food store format or clothing and footwear.

The applicants have interest from a wide range of retail end users which is why they have applied for Open Class A1 retail following pre application discussions. However the proposal is for a single unit of 2,450sqm with associated car parking and servicing. The Hothampton car park is clearly not large enough to accommodate such a single user if restricted to bulky goods/or mixed use comparison. The applicant is prepared to restrict the retail consent to the end users. Accordingly the proposals in that context meet the sequential assessment i.e. the Hothampton site cannot accommodate this size of unit.

We would add however that whilst the applicants are prepared to make that concession this should not be taken as an indication that we accept the GL Hearn conclusion in respect of food and clothing and footwear.

Finally, we are somewhat surprised by the Economic Development Officer's comments for a number of reasons: -

- i. They are particularly late in the consultation process;
- ii. She provides no evidence of demand for these units, if she has evidence can it be provided;
- iii. The fact that the units have been vacant and marketed for a considerable period of time is ignored;
- iv. The inconsistency between her comments and GL Hearn on the impact of proposals on the town centre. She either did not see the GL Hearn comments or simply ignored them;
- v. There is no interest for these units; and
- vi. There is no recognition from the Economic Development Officer of the economic benefit of the proposals in terms of investment and job creation in the area.

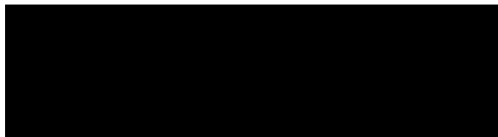
I trust that these comments will be taken into consideration and would be happy to meet to discuss them with you.

If you require any further clarification then do not hesitate to contact me.

Regards

Des

Des Dunlop
D2 Planning Limited
Suites 3 & 4, Westbury Court
Church Road
Westbury on Trym
Bristol
BS9 3EF



Report following a request for further information, negotiations or consultation

REF NO: BE/23/14/PL

LOCATION: Adjacent Warehouse site to
McDonalds
Oldlands Way, Bersted

PROPOSAL: Change of use from Class B8 (Storage or Distribution) to Class A1 (Shops)
including partial demolition

At the Committee Meeting held on the 24th of September 2014, members voted in favour of approving the application subject to conditions for approval being developed and these being reported back to the next meeting.

The recommendation within the attached report is therefore null and void. Instead the following conditions are proposed.

However, members should also note that an amended site plan has been received which omits the proposed hardstanding and green palisade fence to the rear of the building. This amendment is reflected in the list of plans in condition 02 below.

The proposed conditions follow:

(1) Time Limits - 3 years full permission

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) List of plans/drawings

The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan Ref 593-PL(00)001;
Site Plan as Existing Ref 593-PL(00)002;
Existing Site Plan Ref 593-PL 001;
Site plan as Proposed (Single Unit Option) Ref 593-PL(00)013 Rev B (01/10/14);
GA Plan as Existing Ref 593-PL(00)004;
Elevations as Existing Ref 593-PL(00)005;
Elevations as Proposed Ref 593-PL(00)007; and
GA Plan as Proposed Ref 593-PL(00)006.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

(3) Retail Restriction

The retail premises hereby permitted shall only be used for the sale and the display of the following goods:

- DIY Supplies;
- Electrical Goods;
- Gardening requirements;
- Floor Coverings;
- Household Hardware;
- Furniture; and
- Car Accessories.

And for no other purposes (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended) without the prior permission in writing of the Local Planning Authority. Goods falling outside this range including seasonal goods may be sold only where they form a strictly minor and ancillary part of the proposed store's operation.

Reason: To protect town centre viability, in accordance with the NPPF and policies DEV26 and DEV27 of the Arun District Local Plan 2003.

(4) Materials - Schedule of materials for Walls/Roof

No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls of the proposed new east frontage have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the new east frontage.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

(5) Opening Hours

The retail store shall only be open for trade between the hours of 07.00 and 23.00 Monday to Saturdays and will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays. Except for the week (7 days) immediately before Christmas Day and for the week (7 days) immediately before Easter Sunday, when the retail store shall only be open for trade between the hours of 06.00 and 24.00 Monday to Saturday and will comply with the Sunday Trading Act (or subsequent replacement) on Sundays.

Reason: To comply with Arun District Local Plan policy GEN32, and to protect the amenity of the area.

(6) Environmental Health (Lighting)

External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 and GEN33.

(7) Parking, Turning & Loading

The retail store shall not be occupied unless and until space has been laid out within the site in accordance with drawing Ref 593-PL(00)013 Rev B (01/10/14) for the parking of customer cars, staff cars, disabled vehicles & bicycles, for the loading & unloading of delivery vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The approved parking and turning areas shall thereafter be retained for the approved use.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the adjacent highway in accordance with policy GEN7 of the Arun District Local Plan.

(8) Travel Plan

No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

(9) Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing 593-PL(00)013 rev B, subject to any modification required as a result of a Stage 1 and 2 Road Safety Audit and agreed in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

(10) Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Oldlands Way. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

(11) Landscaping & Wildlife - submission of scheme

The premises shall not be occupied unless and until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping (to the front & rear of the site) and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

(12) Boundary Treatments

No development shall take place until details of any new boundary treatments (fences or walls) have been submitted to and approved by the Local Planning Authority and the building shall not be occupied until such boundary treatments associated with it have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

(13) External Storage

There shall be no external storage on the rear part of the site between the building and the boundary with the A29.

Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

(14) Permitted Development Rights - Part 42

Notwithstanding the provisions of Part 42 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions to the retail premises shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain the area of parking and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

(15) Employment and Skills Plan

The applicant shall prepare and submit for approval an Employment and Skills Plan for the occupation phase of development. Following approval of the Employment and Skills Plan the occupier will implement and promote the objectives of the approved plan. The occupier shall provide to the Local Planning Authority with reports outlining the achievements against the

Employment and Skills Plan targets and provide details of the employment and skills activities delivered in that time. There shall be no occupation of the buildings hereby approved until such a Plan has been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: in accordance with policies in the Emerging Local Plan.

(16) INFORMATIVE:

Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



REPORT UPDATE

Application No: BE/23/14/PL

Page No: 137

Location: Adjacent Warehouse site to McDonalds Oldlands Way, Bersted

Description: Change of use from Class B8 (Storage or Distribution) to Class A1 (Shops) including partial demolition

UPDATE DETAILS

Reason for Update/Changes:

Firstly, with regard to the WSCC Highways objection, the applicant has submitted a Draft Travel Plan and also an amended site plan, the latter which identifies pedestrian routes, cycle parking spaces, staff parking spaces and disabled parking spaces. The applicant has also confirmed to WSCC Highways that food retail is not part of the proposal. As a result, WSCC Highways have stated that parts (a) and (c) of the refusal reason no longer apply. However, WSCC Highways still require the submission of a Stage 1 Road Safety Audit and Designer Response. They have stated that this cannot be made the subject of a planning condition. Therefore part (b) of the refusal reason must remain.

Secondly, in the first paragraph of the Conclusions Section under "PRINCIPLE OF DEVELOPMENT & LOSS OF EMPLOYMENT LAND", it is stated that Policy EMP DM1 "Employment Land: Development Management" has not yet been approved by Full Council. However, since writing the report, this policy has now been approved for development management purposes. Therefore, it is recommended that the first refusal reason be modified to include reference to the policy.

Thirdly, the applicant has asked that the following text be brought to the attention of members:

"So let me deal with the outstanding matters. The Highways matters have all been resolved with the exception of an audit of the entrance that has moved ten metres to the right. I would suggest that this remaining point could be dealt with by a condition. You can understand our reluctance to undertake an audit now when the retail planning has been objected to. However, if necessary, we would retain the existing entrances in the same position so as to avoid the issue.

So the essence of the objection is the retention of the site for its current use. Economic Regeneration's point seems to be that the analysis of enquiries shows things are picking up and the future is likely to show there is a requirement for these units and their audit of available stock showed only the "Oldlands Terrace" available. Hence the unit's current use must be retained. Whilst we can share the desire that this will be the case, there is no current evidence that this is the case. It is just a hope that the future will be bright. There has been no actual evidence produced of the list of enquiries and more importantly whether these applicants would really want a 36,000 sq ft warehouse.

Our agents, who we again contacted yesterday, stated that there was still no interest and we are in touch with Stiles, Colliers, Flude and Knight Frank. The size of the warehouse means it has to

update

be occupied by a substantial national company. I don't suspect that there is a local Bognor company that would have the financial wherewithal to afford the rent and business rates. In fact, I believe Economic Regeneration's examples were for a take up of smaller units of 1-2,000 sq ft. The report on planning for Rolls Royce site highlighted the fact that enquiries for large units drop off more or less completely once the unit size goes over 10,000 sq ft.

Our position is based on fact for the last three years. There has been no demand and we have tried hard to occupy the site beneficially. Full stop...EMPTY! There has not even been an enquiry we could negotiate on. So why it is that Oldlands way is still empty? The whole Oldlands terrace has been empty more or less since Wileys moved out. The three landlords speak from time to time and no-one has had an industrial contact. As you know, our immediate neighbour recently let his units. But these were not let for industrial use. The recent lettings were to a skate park and a garage there. So there has been no demand for B8 use. I understand that a national exhaust company has looked at the end units.

I suspect part of the reason is that the units are 35 years old. They are tired and old with poor roofing and insulation. Any newer development would be preferred. So rather than retain the old, policy should support the development of other sites with new units. It is my understanding that there are proposals for new units in Oldlands Farm and possibly other places. Forgive me if this is incorrect but you will know better what units are planned or have been built. This pipeline was not really mentioned at our meeting, but you will know what applications, enquiries and consents have been given for new units.

National Planning Policy is clear. If you can't beneficially use the unit and you have tried for a period of time then look at other uses. So we found there is some demand from retailers partly due to the prominence. The road has changed; Sainsbury's, McDonalds, Skate Park, Garage. I would urge you to consider an independent review of the objection. That is what members did for the skate park. No-one can predict the future and in this case the historical evidence is not in doubt.

And why keep old units? As we stated at our meeting, our understanding is that a substantial retailer would employ 45 people. 45 jobs at Bognor. Why turn that down? A new and brighter use. A higher business rates take for Bognor. Our proposal brings life to the old parade and should be supported. The alternative could be nothing and whilst we take security seriously there is always the potential for anti-social behaviour and regular incursion by Travellers."

Officers Comment:

The changes to the 1st and 3rd reasons for refusal are shown on the attached sheet. Please note that the 3rd reason previously had 3 parts to it and that the remaining part (b) has now been amalgamated into a single reason (i.e. there is no longer any references to (a), (b) or (c)).

update

would be detrimental to the health of the town centre.

However, there are also concerns as to the impact of the proposed change of use on the local highway network, how the new retail store will be accessed by means other than the private car and how the Shripney Road elevation will be treated.

It is therefore recommended that permission be refused for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

RECOMMENDATION

REFUSE

- 1 The proposed change of use would conflict with the aims and intentions of the National Planning Policy Framework (paragraphs 18-22) and Policy EMP DM1 of the emerging Local Plan (Publication Version) in that it would result in the loss of valuable B class floorspace on a modern purpose built industrial estate and that this would be detrimental to the supply of employment land within the Arun District.
- 2 The impact of either an unrestricted non-food comparison goods proposal (i.e. clothing and footwear) or a predominantly food retail use would have a significant impact upon both investment in the town centre and the vitality and viability of the town centre and this would be contrary to the aims and intentions of the National Planning Policy Framework (paragraphs 26 & 27).

report



- 3 The proposed change of use is considered to be contrary with the aims and intentions of the National Planning Policy Framework (NPPF) specifically paragraph 32 in that it has not been demonstrated that safe and suitable access to the site can be achieved for all people.
- 4 The introduction of hard landscaping and a green palisade fence to the Shripney Road frontage would be detrimental to the character & appearance of the local area. This would introduce an industrial feature into a streetscene which is currently characterised by grassed open space and a ranch style fence and this would be in conflict with policy GEN7 of the Arun District Local Plan.
- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

