

REPORT UPDATE

Application No: BE/38/12/

Reason for the Update / Changes

Reason for Update/Changes:

-Additional representations received in the form of sixteen individual letters objecting to the application on the grounds of overdevelopment, increased noise, disturbance and smells and lack of need for retail use of this site and adverse impacts highway issues and on existing retail outlets and in particular the local post office.

273 letters prepared in a standardised format have been received objecting on the grounds of noise and disturbance, no need for development and increased traffic.

A petition with 540 signatories has been received objecting in respect of the impact on local retailers on the Royal Parade.

Bognor Regis Town Council advise that whilst there is little that can be done to prevent this development Councillors expressed their concerns over the adverse impact on local retail businesses, traffic problems and nuisance to residents nearby from shoppers, deliveries and people using the ATMs.

Bersted Parish Council advise that at their meeting on 4th April Members resolved to object to the application on the grounds of noise, disturbance and smell whilst considering that the design appearance and layout were unsympathetic together with adverse impacts on the privacy of neighbours.

Following a meeting with the applicants the Parish Council now realise there are no material objections and the Council withdraw their previous objection. However they maintain that the store will have a detrimental impact on the locality due to increased usage and traffic with no measures taken to control access in or out of the road. The use of the site for retail use outside the control of the District Council allows occupation without any contribution to the local community. The Parish Council hope that the District will take these comments into consideration and allow the Planning Committee to study these applications and ensure that any damaging effects are minimised.

Officers Comment:

Only comments material to the consideration of the development actually applied for can be considered in the determination of this application. The installation of an ATM is unlikely to materially increase visits to the site over and above those visits involving shared trips. The operational hours are not yet known.

Note: No change to recommendation.

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Note: No change to 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/Recommendation.

BE/38/12/

Recommendation Report for Planning Permission

REF NO: BE/38/12/

LOCATION: Rising Sun
349 Chichester Road
Bognor Regis

PROPOSAL: Installation of ATM and associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks consent for the installation of an ATM machine alongside the proposed main entrance to the store. The doorway will be infilled as part of BE/43/12 and a new ATM installed in this corner of the building. The facility will be protected by two new bollards being considered under BE/42/12. This application is one of many relating to minor works and signage required in connection with the proposed retail use. The new facility will measure 0.7 metres by 0.85 metres and have the benefit of a new security light and camera located above.
SITE AREA	Approximately 1050 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	No trees are affected by this development. The site is bounded by trees and hedging on its boundaries.
BOUNDARY TREATMENT	The road frontage to the site is open with 1.8 2 metre wooden fencing to side (south) and rear (west) boundaries. Natural hedging to a height of some 2.5 metres above ground level screens the site along the northern boundary.
SITE CHARACTERISTICS	Site is occupied by 1.5 storey brick building under clay tiled roof formerly known as The Rising Sun Public House, now closed. The property appears to have been extended to the south with the addition of a single storey extension. The site is accessed from Chichester Road by an existing wide entrance point in front of the building. A large car park to the front and side (north) served the premises which also had the benefit of a large rear garden area.
CHARACTER OF LOCALITY	The site is located on the western side of Chichester Road some 50 metres north of its junction with Bedford Avenue. The locality is predominantly residential in nature comprising mainly two storey houses of various styles and designs.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council object to the application. Their detailed comments will be reported at the meeting.

Comments on Representations received:

Only comments made in respect of considerations relevant to the development applied for can be considered in the determination of the application.

CONSULTATIONS

Environmental Health

Consultations responses received:

The Environmental Health Officer makes no comment.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary
The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The former pub is to become a Tesco Express store. This is a permitted change from A4 (Drinking Establishments) to A1 (Retail) as provided for within the General Permitted Development Order (as amended). The new use of the premises is therefore not before the LPA for consideration.

The ATM involves the installation of a machine and associated customer facility to the side of the proposed main entrance located within a former doorway entrance into the public house. The facility will be protected by bollards, which themselves are the subject of a separate planning application.

In visual terms the facility will have no appreciable impacts on the character of the building and constitutes a facility which is found commonly within such outlets. Any Crime and Disorder concerns are considered to carry only very limited weight in the determination of such applications.

There are therefore considered to be no reasonable grounds on which to resist consent.

HUMAN RIGHTS ACT

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 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 neutral 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).

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: F9D11-221(00)70,07,71,03,05,06,72 and 74.

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

- 3 The materials and finishes incorporated within the alterations hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.