

Recommendation Report for Planning Permission

REF NO: BE/40/12/

LOCATION: Rising Sun
349 Chichester Road
Bognor Regis

PROPOSAL: Installation of chiller and freezer.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is one of many relating to minor works and signage required in connection with the proposed retail use. The new freezer/chiller rooms would be located to the rear of the single storey side addition and measure 5 metres wide by 3.1 metre projection with flat roof having an eaves level of some 2.7 metres above ground level. The new build would have no openings in it with access being gained internally through the existing building. The building would be located alongside the additional staff facility extension currently also being considered, under reference BE/41/12.
SITE AREA	Approximately 1050 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The site is bounded by trees and hedging on its side and rear boundaries. No trees are affected by this development.
BOUNDARY TREATMENT	The road frontage to the site is open with 1.8 to 2 metre high wooden fencing to side and rear.
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 via an existing crossover. 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

Minor applications approved for signage and various additions including an extension to the bar in July 1970 (BR/325/70) and an extension to the car park in September 1984 (BR/589/84).

Applications seeking consent for air conditioning units and fan condensers (BE/37/12), installation of an ATM and associated works (BE/38/12) and elevational alterations including new entrance and ramped access (BE/43/12) were approved at the previous Development Control Committee held on 25th April 2012.

REPRESENTATIONS

Representations received:

Bersted Parish Council
raise no objection.

Bognor Regis Town Council voice their concerns over this application. They comment that whilst the Committee are aware that little can be done to stop this development as planning permission is not required, Councillors express their grave concern over the effect this store will have on local retail businesses and over traffic problems. In addition it also has potential to impact on residents nearby through noise and disturbance generated by shoppers, deliveries and from use of the ATM machines at all hours.

Comments on Representations received:

The proposal under consideration will have no implications in terms of noise and disturbance or highway safety. The need for retail use of this site is not a matter which can be considered within the terms of this submission.

CONSULTATIONS

Environmental Health

Consultations responses received:

The Environmental Health Officer raises no comment.

Additional representations received in the form of seventeen 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.

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.

Comments on Consultation responses:

The proposal under consideration will have no implications in terms of noise and disturbance or highway safety. The need for retail activity on this site is not a matter which can be considered within the terms of this submission.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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.

This extension located to the rear of the premises is to be sited adjacent a further small addition and some air conditioning units will have no appreciable impacts on the street scene or existing building and represents a very modest addition to this former pub.

The building will be fully enclosed and of similar height to the extension to which it attaches. The proposal will therefore have no adverse impacts on the residential amenity of surrounding

residents.

There are therefore considered to be no sustainable reasons for withholding planning permission and accordingly approval is recommended subject to conditions.

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 8 (right to privacy 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 it has been deemed that it will have neutral impact 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)07, 91, 03, 05, 06, 82 and 84.

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 of the external walls of the building 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 POLICIES: NPPF

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