

Recommendation Report for Planning Permission

REF NO: BR/101/26/PL

LOCATION: 42 High Street
Bognor Regis
PO21 1SP

PROPOSAL: Installation of plant and new shopfront. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

SITE CHARACTERISTICS The site is a unoccupied shop in a prominent location on the corner of the High Street.

CHARACTER OF LOCALITY Predominantly commercial at ground floor and residential at first floor.

RELEVANT SITE HISTORY

BR/102/26/A	3 No. internally illuminated fascia signs, 2 No. internally illuminated projecting signs.	ApproveConditionally 24-07-26
BR/71/16/A	Installation of 2No. TV's depicting Santander advertisements on East & South elevations	ApproveConditionally 06-06-16

Relevant site history noted.

REPRESENTATIONS

Bognor Regis Town Council - No response received.

No objection received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:
None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC REGENERATION: Support

Support this application and pleased to see this vacant key town centre premises coming back into use.

ENVIRONMENTAL HEALTH: No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, conditions applied.

POLICY CONTEXT

Pagham Harbour Zone B.
2km Buffer for Site of Special Scientific Interest.
Locally Listed Buildings or Structures of Character.
Economic Growth Area.
Within Built-Up Area Boundary.
CIL Zone 4.

DEVELOPMENT PLAN POLICIES

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

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 is considered to comply with relevant Development Plan policies in that the development would not result in adverse harm to visual or residential amenities or the quality of the environment.

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

DESIGN AND VISUAL AMENITY

The application seeks planning permission for the installation of plant equipment and a new shopfront. The plant equipment would include the installation of two external air conditioning condenser units and two extract grilles for the oven extract and WC extract. Advertisement displays have been assessed under BR/102/26/A. The shopfront alterations comprise the installation of a new aluminium shopfront and doors. The proposal maintains the appearance of the building as a commercial property and would not harm the character or visual amenity of the area.

The proposed plant equipment would be within the small rear courtyard and would not be visible from the public realm as such would not impact the character or visual amenity of the area.

The proposals would not harm the character or visual amenity of the site or the surrounding area and are acceptable in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4.

RESIDENTIAL AMENITY / QUALITY OF ENVIRONMENT

The development would not result in any overshadowing or overbearing impacts on neighbouring properties. Furthermore, the development does not include provision for any new openings to the side or rear elevations, and as such, the proposal would not result in any loss of privacy to nearby occupiers. The alterations to the front fenestration would have an outlook along the street scene and there will be no overlooking impact.

The application has been assessed by Environmental Health (EH), who raise no objection in respect of noise, air, or light pollution. Given the response from EH, the proposal is not expected to give rise to adverse harm to residential amenity by way of pollution or impact on the quality of the environment. A condition has been attached to ensure the proposals do not exceed the noise levels outlined within the submitted Noise Impact Assessment. The proposal is in accordance with ALP policies QE SP1 and QE DM1.

IMPACT ON HERITAGE ASSETS

The site is recognised as a locally listed building and is a non-designated heritage asset. ALP policy HER DM2 requires proposals for the alteration or extension of buildings on the Local List to relate sensitively to the building or structure and its setting, and to respect its architectural, landscape or historic interest. The Local Planning Authority will seek to preserve features of such buildings which contribute to that

interest.

Paragraph 209 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' Due to the scale of the development and the siting of plant equipment to the rear, it would not result in harm to the non-designated heritage asset.

SUMMARY

The proposed development is in accordance with relevant development plan policies and is therefore 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

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

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
- Block Plan RSTH/S7044/13
- Proposed South East Elevations and Sections RSTH/S7044/10

- Existing and Proposed North East Elevations and Sections RSTH/S7044/11
- HVAC Information RSTH/S7044/12

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

- 3 The plant/equipment hereby approved shall not exceed the predicted noise levels outlined within the submitted "Noise Impact Assessment Report" (ref 1083-R01-V0 June 2026) as undertaken by DG Acoustics.

Reason: In the interests of preserving the residential amenities of nearby occupiers in accordance with Arun Local Plan policies QE SP1 & QE DM1.

- 4 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).

- 5 INFORMATIVE: The business may be required to submit a Food Registration Form to the Environmental Health Team 28 days before opening. For further advice, please contact: food@arun.gov.uk, 01903 737555, <https://www.arun.gov.uk/food-premises-registration>
- 6 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.