

Recommendation Report for Planning Permission

REF NO: BR/109/20/PL

LOCATION: The William Hardwicke
12 12 High Street
Bognor Regis
PO21 1SR

PROPOSAL: Change of use of part of the existing car park to pub garden, erection of 4 no. semi enclosed covered seating huts, addition of servery to form external bar and reduce height of existing shelter by 0.6m and associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the change of use of part of a carpark to pub garden, erection of four seating huts, addition of service hatch to form external bar, an existing kitchen window to be bricked up and an reduction of height of an existing pergola to 2.6m with associated garden works.
SITE AREA	133.71square metres
TOPOGRAPHY	Predominantly flat.
TREES	None affected.
BOUNDARY TREATMENT	A brick wall approximately 2.2m high bounds the beer garden to the north east and north west.
SITE CHARACTERISTICS	The William Hardwicke Public House, a two storey Listed Building Grade II with front terrace facing to the High Street and a paved beer garden with free-standing seating and a small car park with approximately 17 parking spaces, accessed via the side of the building. Close boarded wooden fence separating beer garden from the car park with temporary structures including smoking shelter pergola.
CHARACTER OF LOCALITY	The Pub is on the north-west side of High Street in the Town Centre, in walking distance to the beach and railway station, surrounded by properties with a commercial use on the ground floor and offices or residential above. To the immediate east of the car park is a two storey building of the Bognor Regis Spiritual Centre adjacent to 1-4 Gatehouse Mews.

RELEVANT SITE HISTORY

BR/107/20/L	Listed building consent for the change of use of part of the existing car park to pub garden, erection of 4 no. semi enclosed covered seating huts, addition of servery to form external bar and reduce height of existing shelter by 0.6m and associated works.
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BR/187/18/A	2 No. internally illuminated fascia signs, 1 No. non illuminated fascia sign, 3 No. non illuminated hoardings, 1 No. externally illuminated hoarding, 1 No. Lantern & 2 No. up down lights on front elevation.	ApproveConditionally 02-10-18
BR/208/05/L	Application for Listed Building Consent for internal alterations & refurbishment including new disabled toilet & ramped access. Alterations to front elevation, new door openings & new opening to rear elevation.	ApproveConditionally 05-08-05
BR/193/05/	Proposed internal alterations and improvements to include disabled toilet and ramped access, alteration to front elevation, new door openings and new opening to rear elevation.	ApproveConditionally 05-08-05
BR/310/04/L	Application for Listed Building Consent - fix new externally illuminated individual gilded letters 300mm high. Fix new externally illuminated fascia sign 2400 x 360mm. Fix 2 no. non-illuminated amenity boards 1000 x 400mm.	ApproveConditionally 08-10-04
BR/279/04/A	4 No illuminated signs	Apprvd/Cond ADV 21-09-04

Noted.

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers Comments:

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Environmental Health: No objection, subject to conditions.

Conservation Officer Comments:

The proposal is for various works to the rear amenity space as well as directly to the fabric of the building. Whilst the servery will utilise an existing opening, it is noted from the plans that an existing window will be bricked up. Materials and the appropriate brick bond will be required in order to ensure that it is suitable for the building. As identified in the heritage statement, the proposal would have less than substantial harm. This harm is considered to be on the lower level of the spectrum.

COMMENTS ON CONSULTATION RESPONSES:

Environmental Health Officer has suggested to impose the condition with regard to the risks associated with contamination of the site. However, due to the nature of the proposal and the fact that the proposal involves a raised decking area laid over the existing hardstanding area of 51sq.m. to extend the garden it is to impose suggested condition to the decision.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary
Bognor Regis Town Centre
Listed Building Grade II The William Hardwicke
Listed Building Polygon
Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
EMPSP2	EMP SP2 Economic Growth Areas
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The policy 1 "Delivery of the Vision" and policy 3 "Old Town Restaurant and Cultural Quarter" of the Bognor Regis Neighbourhood Plan 2015 are considered to be relevant to determination of this application.

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 residential amenities of the adjoining properties, nor would it have an adverse impact upon the setting of listed building or 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

PRINCIPLE:

The site is in the Bognor Regis Economic Growth Area; an area designated specifically for the Council to enhance local employment opportunities. Support of existing employment generating uses are required to deliver this employment growth.

Policy EMP SP2 of the Arun Local Plan states that leisure developments will be directed to the Economic Growth Areas to promote their vitality, viability and regeneration and it outlines that the Council will expect new development within the town centre to respect the character of the local area and provide for

additional or enhanced leisure activities.

Supporting text (paragraph 8.5.3) details how the delivery of Policy EMP SP2 will be provided. It states that in these defined areas development proposals must demonstrate that they meet and/or further the core regeneration aims for the EGAs and their long term viability/sustainability. The core aims include:

- Improve the economic viability and vitality of the town centres by attracting new investment;
- Enhance the environmental/architectural quality of the townscape and public realm through improvements to spaces, buildings and street works/furniture;
- Increase the attractiveness of the towns as holiday destinations for visitors;

The extension and continued support to a leisure facility within an area specifically designated for future development that supports the leisure sector in this area is considered acceptable.

NEIGHBOURHOOD PLAN:

Policy 1 of the Bognor Regis Neighbourhood Development Plan - Delivery of the vision- requires proposals to identify the significance of any affected heritage asset and assess any harm and benefit.

HERITAGE:

Policy HER DM1 requires proposals affecting statutory Listed Building should protect, and if possible enhance the setting of the building. NPPF part 16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

The development involves an erection of four seating huts and re-arrangement of an existing beer garden. All structures would be portable of relatively small scale and would unlikely cause harm to the significance of the heritage assets. The Conservation Officer raised no objection. The development would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER DM1 of the Arun Local Plan and Policy 1 of the Bognor Regis Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY:

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part G.O1 deals with Centres & Local Facilities and points out that centres can perform a functional role but should also

be nice places to be, forming a well located, safe and accessible focal point for a community and including measures to design out crime if appropriate.

The proposals involve redeveloping the beer garden and increasing its capacity by extending the beer garden on the car park. A brick wall approximately 2.2m high bounds the proposed beer garden extension to the east would retain and a new 1.9m high barrier is proposed on the north boundary, comprising a closed board fence to provide further acoustic moderating. The four timber huts would sit along the back wall of the garden arranged in a row and will sit flush on top of the decking. The huts will be of a typical timber garden shed construction with walls to three sides and a pitched asphalt roof over. The fourth side will be open. Each hut will measure roughly 1.90 x 2.00m in footprint and reach about 2.75m in height. Each will be lit by a single pendant light and furnished with a picnic bench made from reclaimed floorboards and fixed to the floor. They will have an applied paint finish internally but a plain timber finish externally.

The extended pub garden will have a raised decking area laid over the existing area of hardstanding. The garden will be enclosed by a new boundary fence to separate it from the remaining car park. New planting, mainly in pots, will be arranged accordingly around the space. A new fire escape gate is proposed.

Part of the design for the extended garden includes the addition of an external service hatch formed within an existing opening to the back of house/kitchen area which at present is boarded up. This will accommodate the new external bar hatch which will service the extended garden. An existing kitchen window would be bricked up. It is proposed that the height of the existing pergola is to be reduced from 3.2m to 2.6m and it is to be extended by one bay at a subservient height of 2.25m.

The beer garden already benefits from low level security lighting which is to be retained. Additional lighting is proposed to the interior of the huts, the servery and the raised decking area.

The proposal complies with ALP policies D DM1 and D SP1 and Arun Design Guide.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires that development contributes positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy QE DM1 of the Arun Local Plan requires that developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Criteria (b) of Local Plan Policy QE DM1 requires that a noise report must demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex.

Para 127(f) of the NPPF states planning decisions should ensure developments create places with a high standard of amenity for existing and future users. Para 180 of the NPPF states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Annex 1 of the Planning Noise Advice Document: Sussex details that Entertainment Premises are required to abide by the Relevant Local Authority Licensing Policy. It requires that 'any amplified sound (including music and speech will be inaudible within any nearby noise sensitive premises with or without one or more windows open'. In this instance, the licensing restrictions do not allow amplified noise.

In the immediate context of the site, the neighbours are predominantly commercial occupiers with the exception of Gatehouse Mews along Sudley Road to the east and some other residential units. A noise impact assessment has not been provided as the applicant considered there will be no adverse effect on the nearest noise sensitive premises to the east of the development; which has been identified as Bognor Regis Spiritualist Centre. The site has operated with unrestricted garden times for a number of years and to date there have been no noise complaints from nearby or neighbouring properties.

There is no direct access to the outdoor seating area from the car park and this will be for emergency egress only. The boundary treatment for the extended outdoor seating area is in two parts, both to a height of 1.90m. The eastern side would be a full height brick wall to form a solid barrier as existing. The northern side of the boundary extending in to the car park would consist of closed board fencing at a similar height of 1.90m.

All of the land is associated with the pub and its use class and is therefore deemed to be A4 - drinking establishments. The use of the pub garden is already restricted to certain hours and is always closed to customers by 00:00. This is with consideration and as a courtesy towards the nearby residential neighbours. They are licensed until 02:00 at weekends (00:00 on weekdays).

Taking these factors into account the development would not have an unacceptable impact upon the amenities of the surrounding area and would therefore accord with Policies QE SP1 and QE DM1 of the Arun Local Plan and paragraphs 127 and 180 of the NPPF.

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which 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 would be severe."

Parking Standards Supplementary Planning Document, January 2020 in Principle 7 states: that the amount of parking on site should be based on:

- a) The development's land use,
- b) Trip rate associated with the development, and
- c) The user group of staff/visitors of the site (including shift patterns).

This application seeks to take over two car parking spaces and incorporate it into the garden of the pub. All of the land is associated with the pub and its use class and is therefore deemed to be A4 - drinking establishments. The loss of two spaces does not result in severe harm to highway safety and there is

sufficient car parking elsewhere in the town, particularly at night when most demand is likely to take place.

It is considered the proposal accords with policy T SP1 of the Arun Local Plan, Arun Parking Standards (SPD) and NPPF guidance.

SUMMARY

Given the nature of the alterations it is considered that the works would not have an unacceptable impact upon the amenities of the surrounding area therefore they are considered to accord with D DM1, HER SP1 and HER DM1, QE SP1 and QE DM1 of the Arun Local Plan and with the guidance in the NPPF and the planning consent should be granted.

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 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:

E000 Location Plan

D001 Proposed Block Plan
 D100 Proposed General Access Plan
 D200 Proposed External Area Lighting Layout
 D300 North East Elevations
 E301/D301 North West Internal Elevations
 D302 South West Elevations& Service Hatch
 D500 Proposed Hut Details
 D501 Proposed Seating Detail

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

- 3 Prior to the use of the extended outdoor area hereby permitted, the boundary treatments detailed in the approved plans shall be provided. Once provided, the boundary treatments approved shall be retained as such at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of adjacent occupants in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 4 No development shall take place regarding the bricking up of the window unless and until details of materials used and of the appropriate brick bond (with regard to proposed bricked up window) have been submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the NPPF and policies HER DM1 and HER SP1.

- 5 No external lighting shown on the submitted plans shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep / bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area ,local residents from light pollution in accordance with Policy QE DM2 of the Arun Local Plan 2011 - 2031.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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 National Planning Policy Framework.

- 7 INFORMATIVE: In principle the proposal for the northern boundary fence is acceptable but acoustic properties to the boundary in light of the residential properties close to this site are suggested.

It also important to remind the agent that the smoking shelter in the proposed extended beer garden is not substantially enclosed and that no smoking is carried out in the wooden huts.