

Recommendation Report for Planning Permission

REF NO: BR/10/18/PL

LOCATION: Unit 4 Blake House
71 High Street
Bognor Regis
PO21 1RZ

PROPOSAL: Change of use from shop (A1 Shop) to micro-pub (A4 Drinking Establishment). This application affects the character & appearance of The Steyne, Bognor Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	No external changes proposed.
SITE AREA	68m ³ .
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	2m wall to rear. None to front, bounds the highway.
SITE CHARACTERISTICS	Ground floor unit and outside area of two storey terraced building.
CHARACTER OF LOCALITY	Old town of Bognor Regis, limited width highway with 2 and 3 storey buildings to either side forming a commercial road within a conservation area, buildings abut the highway.

RELEVANT SITE HISTORY

BR/330/14/PL	Conversion of existing garage/store into 1 No. one bedroom dwelling with addition of north facing dormer window. This application affects the character & appearance of The Steyne & Waterloo Square Conservation Area.	ApproveConditionally 30-03-15
BR/48/14/	Conversion of existing vacant buildings into 4no. ground floor retail units with independent cafe and 3no. first floor one bedroom flats.	App Cond with S106 15-07-14
BR/238/05/	Change of use of premises from A1 to mixed use comprising A3 and A4 use classes	ApproveConditionally 07-09-05
BR/313/92	Refurbishment of shop and workshop, and forming new	ApproveConditionally

shop, extension to rear shop unit and new shop fronts

27-01-93

BR/314/92/A

One non-illuminated hanging board sign and two non-illuminated plaque signs

Apprvd/Cond ADV
15-01-93

Permission granted for change of use to the unit to A1 retail in 2014, not implemented.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

No objection.

10 letters of support citing the economic benefits the use will bring to the area the need for more of this type of drinking establishment.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Conservation Officer

Economic Regeneration

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration

Support on grounds of new business and diversification.

Environmental Health

No comments. The business is required to submit a Food Registration Form to Environmental Health 28 days before opening and suggest the client makes contact with EH for advice if considering serving food to the public on site.

Conservation Officer

The proposals do not adversely affect the Conservation Area, due to lack of external alterations.

I therefore have no objection to the application, and recommend it be approved.

WSCC (Planning Services, Highways)

The site is not served with any vehicular access point or off street car parking provision. However the site is location in a sustainable town centre location with good access to public transport. Consideration is given to the existing use of the site as A1 Shop.

It would be advised that the site is provided a secure and covered cycle parking provision, though this may not be achievable due to constraints of the site.

The Local Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. EH to be added as an informative.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Styene Gardens Conservation Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM3	Conservation Areas
QE DM1	Noise Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development

[Bognor Regis Neighbourhood Plan 2015 Policy 3](#) Old Town Restaurant and Cultural Quarter

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The most recent examination of the plan resulted in modifications being made and publish for consultation in January 2018. The consultation period has now closed and is expected to be adopted in Spring 2018 should the plan be found sound.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The development is supported by Bognor Regis NDP policy 3.

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, preserving its appearance.

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

No external changes to the building are proposed. Thus, the development is considered to be acceptable

in terms of impact on visual amenity and the conservation area, the appearance of which it will preserve.

The change of use is supported by Bognor NDP policy 3 and there is only a limited amount of residential properties in the wider area, it is not considered the use of the unit as a pub will cause significant noise and disturbance as the hours of operation from 11:00 to 22:00 on all days of the year is considered to be acceptable.

The site is not served with any vehicular access point or off street car parking provision. However the site is location in a sustainable town centre location with good access to public transport. Consideration is given to the existing use of the site as A1 Shop. WSCC does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal in compliance with emerging policy T SP1.

The application is recommended for conditional approval.

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 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:

247/01

247/02 B

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 The use shall only be open to the public for business between the hours of 1100 and 2200 daily.

Reason: To protect the residential amenities of nearby occupiers in compliance with saved Arun Local Plan policy GEN7.

- 4 INFORMATIVE: The business is required to submit a Food Registration Form to Arun District Council Environmental Health (EH) Dept. 28 days before opening and suggest the client makes contact with EH on food.safety@arun.gov.uk, call 01903 737755 for advice if considering serving food to the public on site.

- 5 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 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.