

Recommendation Report for Planning Permission

REF NO: BR/110/18/PL

LOCATION: The Mezze
Unit 3
The Arcade, High Street
Bognor Regis

PROPOSAL: Change of use from retail unit (A1 Shops) to mixed use of food & drink (A3 Food & Drink & A5 Hot Food Takeaway) with insertion of internal extraction system & external flue vent to rear elevation & 4 No. tables & 8 No. chairs to front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	100 sq.metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	This premises forms a commercial unit which is a part of a arcade of units which is designated as a business of character. Its immediate access fronts onto the pedestrian walk way and rear enclosed service yard.
CHARACTER OF LOCALITY	The site is just off the main shopping street within 20 metres of High Street in Bognor Regis within a concentrated area of mixed commercial uses.

The unit has no planning history. Its last use class is A1 retail unit selling shoes.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
Bognor Regis town Council - No objection.

No comments have been received from members of the public.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

Estates Manager
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No objection subject to conditions and an informative.
The extract is working well and no complaints received to EH. We are satisfied with what extract system has been fitted and the maintenance programme for the system. The owner of the business has use of communal waste bins and has also ordered additional waste bins for his use only e.g. food waste bin and bins for recycling and glass stored in the rear yard.

ADC Economic Regeneration - Support

CAAC - No objection

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

2km Buffer Zone SSSI: Felpham, Bognor Reef

Buildings and structures of character

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 4	Reducing underuse of property in the town centre
Bognor Regis Neighbourhood Plan 2015 Policy 5	Preferred Retail Uses in the primary retail area

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1,4 & 5 of the Bognor Regis Neighbourhood Plan are considered relevant to 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 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

PRINCIPLE

The site is located within the Built -up Area Boundary . As such the principle of development is acceptable subject to relevant policies within the Local Development Plan which in this case include D DM1, QE DM1, QE DM3, HER DM2, HER SP1, RET DM1 & T SP1 of the Arun Local Plan, Policies; 1, 4 and 5 of the Bognor Regis Neighbourhood Plan, Areas and guidance within the National Planning Policy Framework.

Policy 4 of the Bognor Neighbourhood Plan encourages the reuse of underused properties in the town centre, for commercial premises located along primary shopping frontages and Policy 5 would resist any uses within primary retain frontages at ground floor level to be changed to anything other than A1 retail, A3 cafes & Restaurants or A4 Bar.

The principle of the change of use is not entirely supported by the neighbourhood plan as A5 could be considered as a departure, however, as the main use of the premises will be A3 with an ancillary A5 use the officers consider the proposal is acceptable. Support by the Council Economic development team suggest the combined use of A3/A5 would stimulate and compliment the night time economy within the town centre location therefore officers considered the uses to be acceptable and complimentary to the location.

TRANSPORT, ACCESS AND PARKING:

The site is located sustainably, in close reach of public transport (train and bus) links and car parks. The property has cycle parking nearby and many tourist and residential uses within walking distance. It is not considered that parking generation would lead to a highways safety issue owing to car park availability. The unit when accessed from Lennox Street would be accessible for a wheelchair as the entrance is the same level as the pavement.

As such it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan 2011-2031.

NEIGHBOURING RESIDENTIAL AMENITY:

The proposal is for a A3 food and drink and A5 hot food takeaway use.

The hours of use have been specified. 10:00 to 00:00 Monday to Saturday & 11:00 to 23:00 Sunday & Bank Holidays. Officers note that the Council's Licencing Department have issued a licence for the following Opening Hours:

Open to public - Monday to Thursday 10.00 to 23:00- Friday & Saturday 10:00 to 00:00 & Sunday 10.00 to 23.30.

Officers note x8 external seats are proposed directly outside the main premises within the Arcade. There are no immediate residential uses to upper floors whilst the location is due north of the late night entertainment centre 'Bognor Regis Centre'. Officers consider that a condition restricting the use of the outside area until 22:00 all year round, via the imposition of a suitable condition would be justified, given the mixed use character of the area which includes residential flats albeit further south of the Arcade.

Therefore, any grant of the change of use sought by this application would be subject to requested opening hours.

EXTRACTION & WASTE

Officers note that the change of use has lead to the utilisation of an extraction unit. Full details have been provided, whilst in practice from a site visit the Council's Environmental health Officer (EHO) is satisfied by seeing a fully implemented and operational system on site.

In addition the EHO is satisfied that the use of communal waste bins and the appropriate use only e.g. food waste bin and bins for recycling and glass stored in the rear yard has been clearly demonstrated.

The officers are satisfied the proposal is in accordance with Policy RET DM1 of the Arun Local Plan

2011-2031

BUILDINGS AND STRUCTURES OF CHARACTER:

The proposed change of use does not include any alterations to the shop front or any significant alterations to the interior of the building and is considered to preserve the appearance of the Unit which forms part of a building and structure of special character within the locality. The proposal is therefore considered acceptable with respect to policies HER SP1, HER DM2 of the Arun District Local Plan 2011-2031, Policy BR1 of the Bognor Regis Neighbourhood Plan, and guidance within the NPPF.

CONCLUSION:

The application is recommended for conditional approval.

As such it is considered the development accords with: D DM1, QE DM1, QE DM3, HER DM2, HER SP1, RET DM1 & T SP1 of the Arun Local Plan, Policies; 1, 4 and 5 of the Bognor Regis Neighbourhood Plan, Areas and guidance within the National Planning Policy Framework.

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;

Site Location; Block Plan; Sheet 1; Sheet 2; (proposed A_A section) Sheet 3, dated 04/05/18

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 All Plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that the rating level of noise emitted does not exceed the background sound level, when measure according to British Standard BS4142:2014 at any adjoining or nearby noise sensitive premises.

Reason: In order that the use, hereby granted, does not pose a noise nuisance to the occupiers of adjoining properties in accordance with Policies D DM1, RET DM1 and QEDM1 of the Arun Local Plan.

- 4 The outside seating area to the front of the property shall not be used after 22:00 Monday to Sunday whatsoever.

Reason: In order that the use, hereby granted, does not pose a noise nuisance to the occupiers of adjoining properties in accordance with Arun Local Plan Policies D DM1, RET DM1 and QE DM1.

- 5 The premises shall not be open for trade or business except between the hours of 10:00 to 00:00 Monday to Saturday & 11:00 to 23:00 Sunday & Bank Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies D DM1, RET DM1, and QE DM1

- 6 INFORMATIVE: No adverts or signage have been shown on the submitted plans and it should be noted that adverts/signage are subject to separate legislation (The Town and Country Planning (Control of Advertisements) (England) Regulations 2007) and this Permission does not give any form of consent to any adverts that have been installed.

- 7 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.

- 8 INFORMATIVE: This grant of permission is for a change of use from A1 (shop) to A3 (restaurant)/A5 (drinking) only and does not cover the need for any extraction which may involve an external flue. This would require separate planning permission.