REPORT UPDATE

Application No: BR/123/10/

Reason for the Update / Changes

Reason for Update/Changes:

Consulation Response

Conservation Area Advisory Committee
Unable to comment - no details provided.

District Concessions Officer - Further to previous response, hours of opening and food availablity are indicative only and final details will be submitted with the details in persuance of application along with design details.

Officers Comment:

Noted. The application is in outline with all matters reserved. The proposal shows the proposed site.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Or

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BR/123/10/

PLANNING APPLICATION REPORT

REF NO: **BR/123/10/**

LOCATION: Hotham Park Cafe
Hotham Park
Upper Bognor Road Bognor Regis

PROPOSAL: Outline application under Regulation 3 of the Town and Country Planning General Regulations 1992 for a new cafe to enable internal & external seating with all year operation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is an outline application with all matters reserved for a new cafe open from 10.00 a.m. daily until 10 p.m. (Monday - Friday), Saturday 11 p.m. and Sunday/Bank Holidays 9 p.m.
SITE AREA	0.8 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is in the centre of the parkland. The park boundary is flint walling.
SITE CHARACTERISTICS	The site is currently grassed. It is located close to all facilities and along the main footpath network. Close to the pond and railway shed.
CHARACTER OF LOCALITY	A public park. There is an existing cafe adjacent to Hotham House/Bandstand.

RELEVANT SITE HISTORY

BR/77/05/	Extend existing railway ticket office and extend existing train lock up area.	Approve 15-04-2005
BR/172/06/	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for a change of use to public open space within the Carriage Yard area, change of use to office accommodation within the Lodge	Approve Cond 02-08-2006
BR/612/82	Change of use from refresh- ment pavillion to premises for the sale of hot food	Withdrawn 19-10-1982
BR/8/83	Change of use for sale of hot food	Refused 02-02-1983
BR/779/84	Change of use to sell hot food	Approve Cond 17-10-1984
BR/272/86	Retain existing wooden build- ing for use of amusement machines	Approve 05-01-1987

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection - agree with resident's comments below.

Two letters of comment:
No objection, the layout shown is north south with the patio west. It would be better to rotate the building 90 degrees along the southern boundary, to maximise sun exposure. Also the patio does not have a view of the boating lake. The alternative location would maintain the open aspect of the park. The walled area at the rear of the boating lake would allow deliveries to be unseen. Bins needed to ensure litter does not damage wildlife homes would spoil the grass.

Comments on Representations received:

Comment on Town Council - Noted.

Others - Noted.
The location is shown for indicative purposes only as all matters are reserved.

CONSULTATIONS

WSCC Local Development Divis.
Environmental Health
Conservation Officer
Conservation Area Advisory Com
English Heritage

Consultations responses received:

County Highways:
The previous application BR/172/06 raised no objections. No adverse effects on highway safety are anticipated, therefore no objection.

District Environmental Health:
No objection - comment adequate provision for customer and staff toilets and food preparation/storage must be provided.

District Concessions Officer:
The existing cafe will not be used for a food outlet. It will be used for storage and/or visitor centre or gallery.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Within a Designated Conservation Area
Class A, B & C Road
Listed Building Grade II*
Affects the Setting of the Listed Building Grade II*

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN32	Noise Pollution

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS5	Planning for the Historic Environment
PPG24	Planning and Noise

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

PRINCIPLE:
The site lies within the built up area boundary, within a designated conservation area and is the setting of Hotham House Grade II*. Development is acceptable in principle but will need to be sensitively designed to respect the public park and setting of the Listed Building. The proposal is in outline, with all matters reserved.

EFFECTS ON THE SETTING OF THE LISTED BUILDING AND CONSERVATION AREA:
Hotham Park is the grounds around Hotham House which is a Grade II* house, which has been converted into flats. Hotham House was the house of Sir Richard Hotham, the hatter who developed Bognor into a seaside resort. The proposed cafe would not have any detrimental effects on the setting of the Listed Building as it is approximately 120m from the site.

PPS5 - PLANNING FOR THE HISTORIC ENVIRONMENT: HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE
This PP5 seeks to protect the historic environment, with reference to the setting of a Listed Building and recognises that parkland around a country house may contribute to its significance. In this case the park is a public asset and the proposal would add to the facilities of this public park. It is considered that the proposal does not adversely affect the setting of the Listed Building, but rather adds to the public park facilities.

THE PROPOSAL:
The new cafe is sited in the centre of the park close to all existing facilities of the boating lake and

model railway. The cafe will be 300sqm serving healthy option foods - no fried foods. It will measure 10m x 30m with an outside picnic area with seating. It is proposed for approximately 40 covers. The cafe will be open all year from 10.00 a.m. until 10.00 p.m. daily (11 p.m. Saturdays, 9 p.m. Sundays and Bank Holidays). All details regarding the siting, design, external appearance, access and landscaping are all reserved matters and will be subject to a further application.

SUMMARY:

It is considered that in outline the proposal would be considered a public asset to the park. It is not considered to result in any significantly detrimental effects on the setting of the Listed Building or Conservation area. It is therefore recommended that the application is approved subject to the following condition.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

(a) Layout;
(b) Scale;
(c) Appearance;
(d) Access;
(e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 This permission relates to the indicative approved plans submitted on 4th May 2010.

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.

4 The premises shall not be open for trade or business except between the hours of 10.00am to 10.00pm Monday to Friday, 10.00am to 11pm Saturday, 10.00am to 9.00pm (and there shall be no external illumination on the premises except between the above-mentioned hours).

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32

5 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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: GEN7, GEN12, GEN32, GEN33

NATIONAL POLICIES: PPS1, PPS5, PPG13, PPG24

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.